

1 TITLE I - HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

2

3 DECLARATION OF POLICY AND STATEMENT OF PURPOSE

4 SEC. 101. (a) STATEMENT OF POLICY. Section 1001(a) of the

5 ESEA is amended—

6 (1) by striking out "(a) STATEMENT OF POLICY. -(1)

7 IN GENERAL. " and inserting in lieu thereof "(a) STATEMENT OF

8 POLICY. "; and

9 (2) by striking out paragraph (2).

10 (b) RECOGNITION OF NEED. Section 1001(b) of the ESEA is

11 amended—

12 (1) in paragraph (4), by striking out "and" at the

13 end thereof;

14 (2) in paragraph (5)—

15 (A) by striking out "National Education Goal

16 described in section 102(3) of the Goals 2000: Educate America

17 Act" and inserting in lieu thereof "of America's Education Goals

18 set out in section 3 of this Act"; and

19 (B) by striking out the period at the end

20 thereof and inserting in lieu thereof a semicolon and "and"; and

21 (3) by adding at the end thereof a new paragraph (6)

22 to read as follows:

23 "(6) holding local educational agencies and schools

24 accountable for results, including processes for identifying and

1 turning around low-performing schools, provides a focus for
2 educators and promotes better outcomes for students.".

3 (c) WHAT HAS BEEN LEARNED. Section 1001(c) of the ESEA is
4 amended—

5 (1) in the subsection heading, by striking out "SINC E
6 1988" and inserting in lieu thereof "IN RECENT YEARS";

7 (2) in the matter before paragraph (1), by striking
8 out "learned";

9 (3) in paragraph (7), by adding the following
10 sentence at the end thereof: "Family literacy programs can help
11 parents make this contribution.";

12 (4) in paragraph (8)—

13 (A) in the first sentence, by striking out
14 "Decentralized" and inserting in lieu thereof "Data-driven"; and

15 (B) in the second sentence, by inserting
16 "information," before "resources";

17 (5) by striking out paragraphs (2), (3), (6), and
18 (10);

19 (6) by redesignating paragraphs (4), (5), (7), (8),
20 (9), (11), and (12) as paragraphs (8) through (14),
21 respectively; and

22 (7) by inserting new paragraphs (2) through (7) to
23 read as follows:

24 "(2) Schools that enroll high concentrations of
25 children living in poverty face the greatest challenges, but

1 recent research demonstrates that, by implementing effective,
2 research-based educational strategies, they can succeed in
3 educating children to high standards.

4 "(3) New survey data demonstrate that the development
5 and implementation of standards and assessments under this title
6 are driving educational reform in high-poverty schools and local
7 educational agencies, and in elementary and secondary education
8 generally.

9 "(4) Standards-based reform, as encouraged,
10 accelerated, and supported by both the Improving America's
11 Schools Act of 1994 and the Goals 2000: Educate America Act, has
12 resulted in overall improved student achievement and indications
13 are that it is helping to close the achievement gap between
14 minority and non-minority students. A recent study of North
15 Carolina and Texas, the States that registered the largest
16 achievement gains on the National Assessment of Educational
17 Progress, found that the most plausible cause for those gains
18 was an aligned system of standards, curriculum, and assessments
19 tied to accountability for improvement by all students.

20 "(5) Other recent research also confirms the validity
21 of amendments to this title made by the Improving America's
22 Schools Act of 1994. For example, the National Research Council
23 (NRC) report, Preventing Reading Difficulties in Young Children,
24 stresses the importance of language development and literacy in
25 the preschool years, upgrading the curriculum and instruction

1 provided to all children in a school, intensive professional
2 development to prepare teachers and other instructional staff to
3 teach to high standards, and providing extended learning
4 opportunities outside the regular school day.

5 "(6) The NRC report also recommended the early
6 identification of reading difficulties in children in the first
7 grade, to ensure that interventions can be offered early to
8 those who need them most, through the use of multiple
9 approaches, including developmentally appropriate assessments,
10 the careful observation of children's reading by skilled
11 observers, and the targeting of interventions to groups in
12 schools with large numbers of at-risk children.

13 "(7) The educational progress of children
14 participating in programs under this title depends on their
15 being taught by credentialed and highly qualified staff,
16 particularly in schools with the highest concentrations of
17 poverty, where paraprofessionals, uncertified teachers, and
18 teachers teaching out of field frequently provide instructional
19 services.".

20 (d) STATEMENT OF PURPOSE. Section 1001(d) of the ESEA is
21 amended—

22 (1) in paragraph (3), by striking out "promoting
23 schoolwide reform and";

24 (2) in paragraph (6), by inserting a comma and "such
25 as family literacy programs," after "opportunities";

1 (3) in paragraph (9), by striking out "schools and"
2 and inserting in lieu thereof "local educational agencies,
3 schools, and";
4 (4) by redesignating paragraphs (2) through (9) as
5 paragraphs (3) through (10), respectively; and
6 (5) by inserting after paragraph (1) a new paragraph
7 (2) to read as follows:
8 "(2) promoting comprehensive schoolwide reforms that
9 are based on reliable research and effective practices;".
10

11 AUTHORIZATION OF APPROPRIATIONS

12 SEC. 102. Section 1002 of the E SEA is amended to read as
13 follows:

14 "AUTHORIZATION OF APPROPRIATIONS

15 "SEC. 1002. (a) LOCAL EDUCATIONAL AGENCY GRANTS. For the
16 purpose of carrying out part A, there are authorized to be
17 appropriated such sums as may be necessary for fiscal year 2001
18 and each of the four succeeding fiscal years.

19 "(b) EVEN START. For the purpose of carrying out part B,
20 there are authorized to be appropriated such sums as may be
21 necessary for fiscal year 2001 and each of the four succeeding
22 fiscal years.

23 "(c) EDUCATION OF MIGRATORY CHILDREN. For the purpose of
24 carrying out part C, there are authorized to be appropriated

1 such sums as may be necessary for fiscal year 2001 and each of
2 the four succeeding fiscal years.

3 "(d) STATE AGENCY PROGRAMS FOR CHILDREN AND YOUTH WHO ARE
4 NEGLECTED OR DELINQUENT. For the purpose of carrying out part
5 D, there are authorized to be appropriated such sums as may be
6 necessary for fiscal year 2001 and each of the four succeeding
7 fiscal years.

8 "(e) READING EXCELLENCE. For the purpose of carrying out
9 part E, there are authorized to be appropriated such sums as may
10 be necessary for fiscal year 2001 and each of the four
11 succeeding fiscal years, of which the Secretary shall reserve \$5
12 million for each fiscal year to carry out section 1508.

13 "(f) FEDERAL ACTIVITIES. For the purpose of carrying out
14 section 1602, there are authorized to be appropriated such sums
15 as may be necessary for fiscal year 2001 and each of the four
16 succeeding fiscal years."

17

18 RESERVATIONS FOR ACCOUNTABILITY AND EVALUATION

19 SEC. 103. Section 1003 of the ESEA is amended to read as
20 follows:

21 "RESERVATIONS FOR ACCOUNTABILITY AND EVALUATION

22 "SEC. 1003. (a) STATE RESERVATIONS. -(1) Each State
23 educational agency shall reserve 2.5 percent of the amount it
24 receives under part A of this title for fiscal years 2001 and
25 2002, and 3.5 percent of that amount for fiscal years 2003

1 through 2005, to carry out paragraph (2) and to carry out its
2 responsibilities under sections 1116 and 1117, including its
3 statewide system of technical assistance and support for local
4 educational agencies.

5 "(2) Of the amount reserved under paragraph (1) for
6 any fiscal year, the State educational agency shall either--

7 "(A) allocate at least 70 percent directly to
8 local educational agencies, by--

9 "(i) giving first priority to those
10 agencies with schools identified for corrective action under
11 section 1116(c)(5), which those agencies shall use effectively
12 to carry out corrective action, as described in that section, in
13 those schools; and

14 "(ii) giving second priority to those
15 agencies with other schools identified for school improvement
16 under section 1116(c)(1), which those agencies shall use to
17 bring about substantial improvement in the performance of those
18 schools; or

19 "(B) use at least 70 percent to carry out an
20 alternative system of intervention and corrective action
21 approved by the Secretary under section 1111(b)(3)(B)(ii).

22 "(b) NATIONAL ACTIVITIES. From the total amount
23 appropriated for any fiscal year to carry out this title, the
24 Secretary may reserve not more than 0.30 percent to conduct

- 1 evaluations and studies, collect data, and carry out other
- 2 activities under section 1601.".

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PART A - BASIC GRANTS

STATE PLANS

SEC. 111. Section 1111 of the ESEA is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting a comma and "in order to help all children achieve to high State standards and to improve teaching and learning in the State," after "shall"; and

(ii) by striking out "the Goals 2000" and all that follows through "section 14306" and inserting in lieu thereof "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and other Acts, as appropriate"; and

(B) by amending paragraph (2) to read as follows:

"(2) CONSOLIDATED PLAN. A State may submit its plan under paragraph (1) as part of a consolidated plan under section 11502.";

(2) in subsection (b)—

(A) by amending the subsection heading to read as follows: " STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY. ";

(B) in paragraph (1)—

1 (i) by amending subparagraph (B) to read as
2 follows:
3 "(B) The standards required by subparagraph (A)
4 shall be the same standards that the State applies to all
5 schools and children in the State."; and
6 (ii) by amending subparagraph (C) to read
7 as follows:
8 "(C) If a State has not adopted State content
9 and student performance standards for all students, the State
10 shall have such standards for elementary and secondary school
11 children served under this part in subjects determined by the
12 State, but including at least mathematics and reading or
13 language arts, which shall include the same knowledge, skills,
14 and levels of performance expected of all children.";
15 (C) by striking out paragraph (2) and
16 redesignating paragraph (3) as paragraph (2);
17 (D) in paragraph (2), as so redesignated--
18 (i) by inserting a comma and "starting no
19 later than the 2000-2001 school year," after "that will be
20 used";
21 (ii) in subparagraph (F)--
22 (I) in clause (ii), by striking out
23 "and" at the end thereof;

1 (II) in clause (iii), by striking out
2 "can do" and all that follows through the end thereof and
3 inserting in lieu thereof "can do in content areas;" and
4 (III) by adding at the end thereof new
5 clauses (iv) and (v) to read as follows:
6 "(iv) the assessment (using tests written
7 in Spanish) of Spanish-speaking students with limited English
8 proficiency, if Spanish-language assessments are more likely
9 than English-language tests to yield accurate and reliable
10 information on what those students know and can do in content
11 areas other than English; and
12 "(v) notwithstanding clauses (iii) and
13 (iv), the assessment (using tests written in English) of reading
14 or language arts of any student who has attended school in the
15 United States (not including Puerto Rico) for three or more
16 consecutive years;" and
17 (iii) in subparagraph (G)–
18 (I) by striking out "have attended
19 schools in a local educational agency for a full academic year
20 but"; and
21 (II) by striking out "year, h owever
22 the" and inserting in lieu thereof "year; however, the";

1 (E) by inserting after paragraph (2) a new
2 paragraph (3) to read as follows:
3 "(3) ACCOUNTABILITY.—(A) Each State receiving
4 assistance under this part shall develop and implement (and
5 describe in its State plan) a statewide system for holding local
6 educational agencies and schools accountable for student
7 performance that meets the following criteria:
8 "(i) It is based on the State content and
9 student performance standards described in paragraph (1) and on
10 the assessments described in paragraph (2), and includes
11 multiple indicators, such as attendance and dropout rates.
12 "(ii) It includes all students in the
13 grades assessed under paragraph (2), in accordance with that
14 paragraph.
15 "(iii) It holds local educational agencies
16 and schools accountable for student achievement in at least
17 reading and mathematics.
18 "(B) The accountability system described in
19 subparagraph (A), and described in the State plan, shall also
20 include a procedure for identifying local educational agencies
21 and schools in need of improvement, intervening in those
22 agencies and schools, and (when those interventions are not
23 effective) implementing corrective actions no later than three
24 years after first identifying such an agency or school, that
25 either—

1 "(i) complies with sections 1116 and 1117
2 and includes rigorous criteria for identifying those agencies
3 and schools that are based on their failure to make continuous
4 and substantial gains, which the Secretary may define in
5 regulations, in overall student performance and in the
6 performance of the lowest performing students; or

7 "(ii) includes an alternative procedure for
8 identifying and intervening in those agencies and schools, which
9 gives highest priority to corrective actions in the lowest-
10 performing agencies and schools that fail to show gains over an
11 extended period, if the Secretary determines that—

12 "(I) the alternative procedure is at
13 least as effective as the procedures described in clause (i) and
14 in sections 1116 and 1117, and that the State has shown
15 substantial overall achievement gains and a reduction in the
16 achievement gap between high-performing and low-performing
17 students in the State; or

18 "(II) the alternative procedure will
19 be at least as effective as the procedures described in clause
20 (i) and in sections 1116 and 1117.

21 "(C) Each State plan shall also describe how the
22 State will recognize and reward local educational agencies and
23 schools under this part, including, at a minimum, the
24 designation of Distinguished Schools under section 1116(b).

1 "(D) If a State does not have a statewide system
2 for holding local educational agencies accountable that meets
3 the requirements of subparagraphs (A) through (C), it shall
4 implement a system that meets those requirements for local
5 educational agencies and schools participating under this
6 part.";

7 (F) in paragraph (4), by striking out "paragraph
8 (3)(C)" and inserting in lieu thereof "paragraph (2)(C)";

9 (G) by striking out paragraphs (5) through (7)
10 and inserting in lieu thereof a new paragraph (5) to read as
11 follows:

12 "(5) REVISIONS. A State may revise its final
13 assessments described in this subsection at any time, but no
14 such revision shall affect the timelines established under this
15 subsection for identifying, assisting, and taking corrective
16 action with respect to, schools and local educational agencies
17 in need of improvement.";

18 (H) by redesignating paragraph (8) as paragraph
19 (6); and

20 (I) in paragraph (6), as so redesignate d-
21 (i) in subparagraph (A)-
22 (I) by striking out "sections
23 1112(c)(1)(D), 1114(b), and 1115(c)" and inserting in lieu
24 thereof "sections 1114(b) and (c) and 1115"; and

1 (II) by inserting a comma and "and in
2 implementing section 1120A(c)" before the semicolon at the end
3 thereof; and
4 (ii) in subparagraph (B), by inserting "as"
5 after "factors";
6 (3) by amending subsection (c) to read as follows:
7 "(c) ASSURANCES. Each State plan shall contain assurances
8 that the State educational agency—
9 "(1) has involved the committee of practitioners
10 (established under section 1701(b)) in developing the plan;
11 "(2) will suballocate at least 97 percent of the
12 allocation it receives under this part for any fiscal year to
13 local educational agencies (except as provided by sections 1003
14 and 1701(c)) so that those funds can be used to improve teaching
15 and learning in local schools; and
16 "(3) will work to reduce State fiscal and accounting
17 barriers so that local educational agencies can combine funds
18 under this part with funds from other Federal, State, and local
19 sources to achieve schoolwide reform in schoolwide programs
20 under section 1114.";
21 (4) in subsection (d)—
22 (A) by striking out paragraph (2);
23 (B) in paragraph (1)—
24 (i) by striking out the paragraph
25 designation "(1)" and the paragraph heading "IN GENERAL." ; and

1 (ii) by redesignating subparagraphs (A)
2 through (F) as paragraphs (1) through (6);
3 (C) in paragraph (2), as so redesignated, by
4 inserting a comma and "and who include experts on educational
5 standards, assessments, accountability, and the diverse
6 educational needs of students" after "parents"; and
7 (D) in paragraph (5), as redesignated by
8 subparagraph (B)(ii), by redesignating clauses (i) through (iii)
9 as subparagraphs (A) through (C), respectively;
10 (5) in subsection (e)(1)–
11 (A) by redesignating subparagraphs (A) and (B)
12 as subparagraphs (B) and (C); and
13 (B) by inserting before subparagraph (B) a new
14 subparagraph (A) to read as follows:
15 "(A) be submitted for the first year for which
16 this part is in effect following the enactment of the
17 Educational Excellence for All Children Act of 1999;" and
18 (6) by amending subsection (g) to read as
19 follows:
20 ¶(g) ENFORCEMENT. If the Secretary determines that a State
21 is not carrying out the requirements of subsection (b)(3),
22 relating to accountability, the Secretary may take any of the
23 actions described in section 11209, in addition to any other
24 action authorized by law."

25

2 SEC. 112. Section 1112 of the ESEA is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1), by striking out "Goals
5 2000" and all that follows through "section 14306" and inserting
6 in lieu thereof "Individuals with Disabilities Education Act,
7 the Carl D. Perkins Vocational and Technical Education Act of
8 1998, and other Acts, as appropriate"; and

9 (B) in paragraph (2), by striking out "section
10 14306" and inserting in lieu thereof "section 11504";

11 (2) in subsection (b)—

12 (A) in the matter before paragraph (1), by
13 striking out "Each" and inserting in lieu thereof "In order to
14 help all children achieve to high standards, each";

15 (B) in paragraph (1)—

16 (i) in subparagraph (B), by striking out
17 "and" at the end thereof;

18 (ii) in subparagraph (C), by adding "and"
19 at the end thereof; and

20 (iii) by adding at the end thereof a new
21 subparagraph (D) to read as follows:

22 "(D) determine the literacy levels of first
23 graders and their need for interventions, and a description of
24 how it will ensure that any such assessments—

25 "(i) are developmentally appropriate;

1 "(ii) use multiple measures to provide
2 information about the variety of skills that research has
3 identified as leading to early reading; and
4 "(iii) are administered to students in the
5 language most likely to yield valid results;"

6 (C) in paragraph (3), by inserting a comma and
7 "which shall also be a component of its plan for professional
8 development under title II of this Act, if it receives funds
9 under that title" after "section 1119";

10 (D) in paragraph (4)(B)–
11 (i) by striking out "or who were formerly"
12 and all that follows through "1994";
13 (ii) by striking out "and youth at risk of
14 dropping out"; and
15 (iii) by inserting "Indian children served
16 under title IX," after "under part D,";

17 (E) in paragraph (7), by striking out
18 "eligible";

19 (F) by amending paragraph (9) to read as
20 follows:
21 "(9) where appropriate, a description of how the
22 local educational agency will use funds under this part to
23 support preschool programs in accordance with section 1120B;"

24 and

1 (G) by adding at the end thereof new paragraphs
2 (10) and (11) to read as follows:
3 "(10) a description of the actions the agency will
4 take to assist its low-performing schools (including schools
5 identified under section 1116 as in need of improvement), if
6 there are any such schools, in making the changes needed to
7 educate all children to the State standards; and
8 "(11) a description of how the agency will promote
9 the use of extended learning time, such as an extended school
10 year, before- and after-school programs, and summer programs.";
11 (3) in subsection (c)–
12 (A) by striking out paragraphs (2) and (3); and
13 (B) in paragraph (1)–
14 (i) by striking out the paragraph
15 designation "(1)" and the paragraph heading " IN GENERAL. ";
16 (ii) by striking out subparagraphs (D) and
17 (H);
18 (iii) by redesignating subparagraphs (A)
19 through (C) and (E) through (G) as paragraphs (1) through (6),
20 respectively;
21 (iv) in paragraph (3), as so redesignated,
22 by striking out "adequate yearly progress" and inserting in lieu
23 thereof "the continuous and substantial gains called for under
24 section 1111(b)(3)";

1 (v) in paragraph (6), as redesignated by
2 clause (iii), by striking out "and" at the end thereof; and
3 (vi) by adding at the end thereof new
4 paragraphs (7) and (8) to read as follows:
5 "(7) annually assess the English proficiency of all
6 children with limited English proficiency participating in
7 programs under this part, use the results of those assessments
8 to help guide and modify instruction in the content areas, and
9 provide those results to the parents of those children; and
10 "(8) comply with the requirements of section 1119
11 regarding qualifications of teachers and paraprofessionals.";
12 (4) by amending subsection (d) to read as follows:
13 "(d) PLAN DEVELOPMENT AND DURATION. -(1) Each local
14 educational agency plan shall be developed in consultation with
15 teachers, administrators, and other appropriate school
16 personnel, and with parents of children in schools served under
17 this part.
18 "(2) Each such plan shall be submitted for the first
19 year for which this part is in effect following enactment of the
20 Educational Excellence for All Children Act of 1999 and shall
21 remain in effect for the duration of the agency's participation
22 under this part.
23 "(3) Each such local educational agency shall--

1 "(A) periodically review and, as necessary,
2 revise its plan, including revisions that respond to any peer
3 review carried out under this part; and

4 "(B) submit any such revisions to the State
5 educational agency for its approval."; and

6 (5) in subsection (e)–

7 (A) by amending paragraph (1) to read as
8 follows:

9 "(1) IN GENERAL. Each local educational agency plan
10 shall be filed according to a schedule established by the State
11 educational agency.";

12 (B) in paragraph (2), by inserting a comma and
13 "through a peer-review process," after "determines"; and

14 (C) by striking out paragraph (3).

15

16 ELIGIBLE SCHOOL ATTENDANCE AREAS

17 SEC. 113. Section 1113 of the ESEA is amended–

18 (1) in subsection (a)(7), by striking out "with" and
19 all that follows through "if" and inserting in lieu thereof
20 "under a desegregation plan ordered by a State or court or
21 approved by the Secretary, or such a plan that the agency
22 continues to implement after it has expired, if";

23 (2) in subsection (b)(1)–

24 (A) in subparagraph (B), by striking out "and"
25 at the end thereof;

1 (B) in subparagraph (C)(iii), by striking out
2 the period at the end thereof and inserting in lieu thereof a
3 semicolon and "and"; and

4 (C) by adding at the end thereof a new
5 subparagraph (D) to read as follows:

6 "(D) designate and serve a school attendance
7 area or school that is not eligible under subsection (a)(2), but
8 that was eligible and that was served in the preceding fiscal
9 year, but only for one additional fiscal year."; and

10 (3) in subsection (c)–

11 (A) in paragraph (2), by adding at the end
12 thereof a new subparagraph (C) to read as follows:

13 "(C) A local educational agency may allocate a
14 greater per-child amount of funds under this part to higher-
15 poverty school attendance areas and schools than it provides to
16 lower-poverty areas and schools."; and

17 (B) in paragraph (3)(A), by striking out "where
18 appropriate, eligible".

19

20 SCHOOLWIDE PROGRAMS

21 SEC. 114. (a) PURPOSE AND ELIGIBILITY. Section 1114(a) of
22 the ESEA is amended–

23 (1) by amending the subsection heading to read as
24 follows: " PURPOSE AND ELIGIBILITY. ";

1 (2) by amending paragraphs (1) and (2) to read as
2 follows:

3 "(1) PURPOSE. The purpose of a schoolwide program
4 under this section is to—

5 "(A) enable a local educational agency to use
6 funds under this part, in combination with other Federal, State,
7 and local funds, to upgrade the entire educational program in a
8 high-poverty school; and

9 "(B) help ensure that all children in such a
10 school meet challenging State standards for student performance,
11 particularly those children who are most at risk of not meeting
12 those standards.

13 "(2) ELIGIBILITY. A local educational agency may use
14 funds under this part for the purposes described in paragraph
15 (1) for a school that, in the first year of the schoolwide
16 program—

17 "(A) serves an eligible school attendance area
18 in which at least 50 percent of the children are from low-income
19 families; or

20 "(B) has a student enrollment at least 50
21 percent of which is comprised of such children.";

22 (3) in paragraph (4)(A)—

23 (A) by striking out "subsection (b)" and
24 inserting in lieu thereof "subsections (b) and (c)"; and

1 (B) by inserting a comma and "except as provided
2 in section 613(a)(2)(D) of that Act" after "Individuals with
3 Disabilities Education Act"; and

4 (4) by striking out paragraph (5).

5 (b) REORGANIZATION OF SECTION. Section 1114 of the ESEA
6 is further amended—

7 (1) by striking out subsection (c); and

8 (2) by redesignating paragraph (2) of subsection (b)
9 as subsection (c).

10 (c) COMPONENTS. Section 1114(b) of the ESEA, as amended
11 by subsection (b)(2), is amended to read as follows:

12 "(b) COMPONENTS OF A SCHOOLWIDE PROGRAM. A schoolwide
13 program shall include the following components:

14 "(1) A comprehensive needs assessment of the entire
15 school that is based on—

16 "(A) information on the performance of all
17 children in the school in relation to the State content
18 standards and the State student performance standards described
19 in section 1111(b)(1); and

20 "(B) other factors that affect teaching and
21 learning in the school.

22 "(2) A coherent, research-based design to improve
23 teaching and learning throughout the entire school that is based
24 on the data from the needs assessment described in paragraph (1)
25 and includes—

1 "(A) schoolwide reform strategies that—
2 "(i) provide opportunities for all children
3 to meet the State's proficient and advanced levels of student
4 performance described in section 1111(b)(1)(D);
5 "(ii) use effective research-based methods
6 and instructional strategies that—
7 "(I) strengthen the core academic
8 program in the school;
9 "(II) increase the amount a nd quality
10 of learning time, such as providing an extended school year and
11 before- and after-school and summer programs and opportunities,
12 and help provide an enriched and accelerated curriculum; and
13 "(III) include strategies for meeting
14 the educational needs of historically underserved populations,
15 including children with limited English proficiency;
16 "(iii)(I) address the needs of all children
17 in the school, but particularly the needs of children who are
18 most at risk of not meeting the State student performance
19 standards, including the needs of children who are members of
20 the target population of any program that is included in the
21 schoolwide program; and
22 "(II) address how the school will
23 determine if those needs have been met; and

1 "(iv) are integrated with, and are designed
2 to implement, State and local improvement plans or policies for
3 comprehensive standards-based reform;

4 "(B) instruction by highly qualified
5 professional staff employed in accordance with section 1119;

6 "(C) in accordance with section 1119, on-going,
7 high-quality professional development for teachers and aides
8 and, where appropriate, pupil services personnel, parents,
9 principals, and other staff to enable all children in the school
10 to meet the State student performance standards;

11 "(D) strategies to increase parental
12 involvement, such as family literacy services;

13 "(E) plans for addressing transitions to and
14 from the grade span served by the schoolwide program by, for
15 example—

16 "(i) assisting preschool children in the
17 transition from early childhood programs to kindergarten; and

18 "(ii) preparing high-school students for
19 the transition from school to further education or the
20 workplace; and

21 "(F) activities to ensure that students who
22 experience difficulty mastering any of the standards required by
23 section 1111(b) during the course of the school year are
24 provided with effective, timely additional assistance, which
25 shall include—

1 "(i) measures to ensure that students'
2 difficulties are identified on a timely basis and to provide
3 sufficient information on which to base effective assistance;

4 "(ii) for any student who has not met those
5 standards, teacher-parent conferences, at which the teacher and
6 parents shall discuss—

7 "(I) what the school will do to help
8 the student meet those standards;

9 "(II) what the parents can do to help
10 the student improve his or her performance; and

11 "(III) additional assistance that may
12 be available to the student at the school or elsewhere in the
13 community; and

14 "(iii) specific interventions, such as
15 providing before- and after-school and summer programs, and one-
16 on-one tutoring during non-instructional time.

17 "(3) Regular review of the school's progress in
18 implementing its program and in achieving its goals for student
19 achievement.".

20 (d) SCHOOLWIDE PLANS. Subsection (c) of section 1114 of
21 the ESEA, as redesignated by subsection (b)(2), is amended—

22 (1) by striking out subparagraph (B);

23 (2) by redesignating subparagraphs (A) and (C) as
24 paragraphs (1) and (2), respectively;

25 (3) in paragraph (1), as so redesignated—

1 (A) by striking out "date of enactment" and all
2 that follows through "section 1117," and inserting in lieu
3 thereof "effective date of the Educational Excellence for All
4 Children Act of 1999), in consultation with the local
5 educational agency,";

6 (B) by redesignating clauses (i) through (vii)
7 as subparagraphs (A) through (G);

8 (C) in subparagraph (A), as redesignated by
9 subparagraph (B), by striking out "paragraph (1)" and inserting
10 in lieu thereof "subsection (b)"; and

11 (D) in subparagraph (D), as redesignated by
12 subparagraph (B), by striking out "section 1111(b)(3)" and
13 inserting in lieu thereof "section 1111(b)(2)";

14 (4) in paragraph (2), as redesignated by paragraph
15 (2)–

16 (A) by redesignating clauses (i) through (v) as
17 subparagraphs (A) through (E);

18 (B) in subparagraph (A), as so redesignated–

19 (i) by redesignating subclauses (I) and
20 (II) as clauses (i) and (ii);

21 (ii) in clause (i), as so redesignated, by
22 striking out "agency" and all that follows through "1117," and
23 inserting in lieu thereof "agency"; and

24 (iii) in clause (ii), as redesignated by
25 clause (i), by striking out "the date of enactment of the

1 Improving America's Schools Act of 1994" and inserting in lieu
2 thereof "the effective date of the Educational Excellence for
3 All Children Act of 1999"; and

4 (C) in subparagraph (B), as redesignated by
5 subparagraph (A), by striking out "other staff" and all that
6 follows through "personnel" and inserting in lieu thereof
7 "appropriate school staff"; and

8 (5) by adding at the end thereof a new paragraph (3)
9 to read as follows:

10 [(3) No school shall implement a new or revised plan
11 under this section until the local educational agency subjects
12 it to a peer-review process, which may include reviewers from
13 outside the agency, and approves it.".

14

15 TARGETED ASSISTANCE SCHOOLS

16 SEC. 115. Section 1115 of the ESEA is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (1)(A)—

19 (i) by striking out "part" and inserting in
20 lieu thereof "section"; and

21 (ii) in clause (ii), by striking out
22 "public education" and all that follows through "setting" and
23 inserting in lieu thereof "public education"; and

24 (B) in paragraph (2)—

1 (i) by amending subparagraph (A)(i) to read
2 as follows:
3 "(i) Children with disabilities, migrant
4 children, and children with limited English proficiency are
5 eligible for services under this part on the same basis as other
6 children.";
7 (ii) in subparagraph (B), by inserting "or
8 in pre-school services under this title" after "program";
9 (iii) in subparagraph (C)–
10 (I) in clause (i), by striking out
11 "the program" and all that follows through "may be" and
12 inserting in lieu thereof "part D is"; and
13 (II) in clause (ii), by striking out
14 "may be eligible" and inserting in lieu thereof "is eligible";
15 and
16 (iv) in subparagraph (D), by striking out
17 "may be eligible" and inserting in lieu thereof "is eligible";
18 (2) in subsection (c)(1)–
19 (A) in subparagraph (B), by adding a comma and
20 "such as research-based approaches for modifying instruction for
21 children with limited English proficiency" after "children";
22 (B) in subparagraph (D)(ii), by striking out
23 "curriculum, including applied learning" and inserting in lieu
24 thereof "curriculum";

1 (C) by amending subparagraph (E) to read as
2 follows:
3 "(E) coordinate with and support the regular
4 education program, which may include services to assist
5 preschool children in the transition from early childhood
6 programs to elementary school programs and, for programs serving
7 high schools, preparing students for the transition from school
8 to further education or the workplace;"
9 (D) in subparagraph (F), by inserting "employed
10 in accordance with section 1119" after "staff";
11 (E) in subparagraph (G), by striking out
12 "subsection (e)(3) and"; and
13 (F) in subparagraph (H), by striking out
14 "literary" and inserting in lieu thereof "literacy"; and
15 (3) in subsection (e), by striking out paragraph (3).
16

17 SCHOOL CHOICE

18 SEC. 115A. Section 1115A(b)(4) of the ESEA is amended by
19 striking out "section 1111(b)(3)" and inserting in lieu thereof
20 "section 1111(b)(2)".
21

22 ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT

23 SEC. 116. Subsections (a) through (d) of section 1116 of
24 the ESEA are amended to read as follows:

1 "(a) LOCAL REVIEW. Each local educational agency
2 receiving funds under this part shall--

3 "(1) use the State assessments and other indicators
4 described in the State plan, as well as any additional measures
5 or indicators described in the local educational agency's plan,
6 to review annually the progress of each school served under this
7 part to determine if it is making continuous and substantial
8 gains as described in section 1111(b)(3) toward enabling its
9 students to meet the State student performance standards
10 described in the State plan; and

11 "(2) provide the results of the local annual review
12 to schools so that they can continually refine the program of
13 instruction to help all children served under this part in those
14 schools meet those standards.

15 "(b) DESIGNATION OF DISTINGUISHED SCHOOLS. Each State
16 educational agency shall designate as 'Distinguished Schools'
17 those schools served under this part that meet criteria
18 established by the State, such as--

19 "(1) making the continuous and substantial gains in
20 student performance described in section 1111(b)(3) for three
21 consecutive years;

22 "(2) having nearly all students meet the State
23 'proficient' or 'advanced' levels of student performance; or

24 "(3) achieving, or significantly improving, equity in
25 participation and achievement of students by sex and race.

1 "(c) SCHOOL IMPROVEMENT. -(1) IN GENERAL. -(A) PURPOSE.

2 In order to improve staff, curriculum, and the services offered
3 to children, so that they can meet challenging State standards,
4 each local educational agency shall identify for school
5 improvement any school served under this part that—

6 "(i) for two consecutive years, failed to
7 meet the State's criteria under section 1111(b)(3) either for
8 overall improvement or for improvement of the lowest-performing
9 students, unless the Secretary has approved an alternative
10 procedure proposed by the State in its plan under section
11 1111(b)(3)(B)(ii); or

12 "(ii) immediately preceding the effective
13 date of the amendments to this section made by the Educational
14 Excellence for All Children Act of 1999, was in school-
15 improvement status under this section, as then in effect.

16 "(B) TRANSITION. The two-year period described
17 in subparagraph (A) shall include any continuous period of time,
18 immediately preceding the effective date of the amendments made
19 to this section by the Educational Excellence for All Children
20 Act of 1999, during which a school did not make adequate
21 progress as defined in the State's plan under section
22 1111(b)(2)(B) or (7)(B), as then in effect.

23 "(C) TARGETED ASSISTANCE SCHOOLS. In
24 determining whether a school that is conducting a targeted
25 assistance program under section 1115 should be identified as in

1 need of improvement under this paragraph, a local educational
2 agency may choose to review the progress of only those students
3 in that school who are served under this part.

4 "(2) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE. -(A)

5 Before identifying a school for school improvement under
6 paragraph (1), the local educational agency shall provide the
7 school with an opportunity to review the school-level data,
8 including assessment data, on which that proposed identification
9 is based.

10 "(B) If the school believes that the proposed
11 identification is in error for statistical or other substantive
12 reasons, it may provide supporting evidence to the local
13 educational agency, which such agency shall consider before
14 making a final determination.

15 "(3) SCHOOL PLAN. -(A) Each school identified under
16 paragraph (1) shall, within three months of being so identified,
17 develop or revise a school plan, in consultation with parents,
18 school staff, the local educational agency, and a State school
19 support team or other outside experts, that includes research-
20 based strategies and specific goals and objectives for making
21 continuous and substantial progress and that-

22 "(i) has the greatest likelihood of
23 improving the performance of participating children in meeting
24 the State's student performance standards;

1 "(ii) addresses the fundame ntal teaching
2 and learning needs in that school, and the specific academic
3 problems of low-performing students;

4 "(iii) identifies and addresses the need to
5 improve the skills of its staff through effective professional
6 development;

7 "(iv) identifi es student performance
8 targets and goals for the next three years; and

9 "(v) specifies the responsibilities of the
10 local educational agency and the school under the plan.

11 "(B) The local educational agency shall promptly
12 subject the plan to a peer-review process, work with the school
13 to revise the plan as necessary, and approve the plan.

14 "(C) The school shall implement its plan (or
15 revised plan) as soon as it is approved.

16 "(4) TECHNICAL ASSISTANCE. For each school
17 identified under paragraph (1), the local educational agency
18 shall provide technical or other assistance as the school
19 develops and implements its plan.

20 "(5) CORRECTIVE ACTION. In order to help students
21 served under this part meet challenging State standards, each
22 local educational agency shall implement a system of corrective
23 action in accordance with the following, unless the Secretary
24 has approved an alternative procedure proposed by the State in
25 its plan under section 1111(b)(3)(B)(ii):

1 "(A) After providing technical assistance under
2 paragraph (4) and taking other remedial measures, the local
3 educational agency—

4 "(i) may take corrective action at any time
5 with respect to a school that has been identified under
6 paragraph (1);

7 "(ii) shall take corrective action with
8 respect to any school that still fails to make continuous and
9 substantial gains, as defined by the State, immediately after
10 the third year following its identification under paragraph (1),
11 except that the local educational agency may refrain from taking
12 such action for not more than one additional year if it assesses
13 the school's performance and determines that—

14 "(I) the school is meeting the targets
15 and goals of the school improvement plan described in paragraph
16 (3)(A)(iv), as shown by an improvement in student achievement
17 through a one-year gain in scores on the State assessment; and

18 "(II) the school will meet the State's
19 criteria for continuous and substantial gains within one year;
20 and

21 "(iii) shall continue to provide technical
22 assistance while instituting any corrective action under clause
23 (i) or (ii).

1 "(B) As used in this paragraph, the term
2 'corrective action' means action, consistent with State and
3 local law, that—

4 "(i) substantially and directly responds to
5 the consistent academic failure that caused that agency to take
6 that action and to any underlying staffing, curricular, or other
7 problems in the school; and

8 "(ii) is designed to substantially increase
9 the likelihood that students in that school will meet
10 challenging State standards.

11 "(C) In any case described in subparagraph
12 (A)(ii), the local educational agency shall take at least one of
13 the following corrective actions:

14 "(i) Instituting and fully implementing a
15 new curriculum, including appropriate professional development
16 for all relevant staff, that is research-based and offers
17 substantial promise of improving educational achievement for
18 low-performing students.

19 "(ii) Redesigning the school by
20 reconstituting all or part of the school staff in a manner
21 consistent with section 1119(a); restructuring the school, such
22 as by creating schools within schools or other smaller learning
23 environments; or re-opening the school under alternative
24 governance arrangements, such as a public charter school.

25 "(iii) Closing the school.

1 "(iv) In conjunction with any other action
2 described in clauses (i) through (iii), allowing students in the
3 school who are served under this part to choose to attend other
4 public schools and providing them transportation (or the costs
5 of transportation) to those schools.

6 "(D) The local educational agency shall make
7 public and disseminate any corrective action it takes under this
8 paragraph.

9 "(E) OPPORTUNITY TO REVIEW AND PRESENT
10 EVIDENCE. -(i) Before determining that it will take corrective
11 action with respect to any school under this paragraph, the
12 local educational agency shall provide the school an opportunity
13 to review the school-level data, including assessment data, on
14 which the proposed determination is made.

15 "(ii) If the school believes that the
16 proposed determination is in error for statistical or other
17 substantive reasons, it may provide supporting evidence to the
18 local educational agency, which shall consider it before making
19 a final determination.

20 "(6) STATE EDUCATIONAL AGENCY RESPONSIBILITIES. If a
21 State educational agency determines that a local educational
22 agency failed to carry out its responsibilities under paragraphs
23 (4) and (5), it shall take such action as it finds necessary to
24 improve the affected schools and to ensure that the local
25 educational agency carries out those responsibilities.

1 "(7) SPECIAL RULE. A local educational agency may
2 remove from school-improvement status under this subsection any
3 school that meets the State's criteria under section 1111(b)(3),
4 including showing substantial gains by the lowest-performing
5 students, for at least two of the three years following its
6 identification under paragraph (1).

7 "(d) STATE REVIEW AND LEA IMPROVEMENT. -(1) PURPOSE. In
8 order to ensure that children served under this part meet
9 challenging State standards, each State educational agency shall
10 annually review the progress of each participating local
11 educational agency, in accordance with section 1111(b)(3), to
12 determine whether it is meeting the State's criteria for
13 accountability, including showing continuous and substantial
14 gains in the achievement of the lowest-performing students.

15 "(2) DISTINGUISHED SCHOOL DISTRICTS. Each State may
16 designate as 'Distinguished School Districts' those local
17 educational agencies that, over a three-year period, meet or
18 exceed such criteria as the State may establish for performance
19 and improvement under this part.

20 "(3) IDENTIFICATION. -(A) A State educational agency
21 shall identify for improvement any local educational agency
22 that, for two consecutive years, does not meet the State's
23 criteria for accountability under section 1111(b)(3), including
24 showing continuous and substantial gains in achievement for the
25 lowest-performing students, unless the Secretary has approved an

1 alternative procedure in the State's plan under section
2 1111(b)(3)(B)(ii).
3 "(B)(i) Before identifying a local educational
4 agency for improvement under subparagraph (A), the State
5 educational agency shall provide the local educational agency
6 with an opportunity to review the school-level data, including
7 assessment data, on which that proposed identification is based.

8 "(ii) If the local educational agency
9 believes that such proposed identification is in error due to
10 statistical or other substantive reasons, the local educational
11 agency may provide supporting evidence, which the State
12 educational agency shall consider before making a final
13 determination.

14 "(4) LOCAL EDUCATIONAL AGENCY REVISIONS. —(A) Each
15 local educational agency identified under paragraph (3) shall,
16 within three months of being so identified, revise its plan
17 under section 1112, in consultation with schools, parents, and
18 outside educational experts, to—

19 "(i) address the fundamental teaching and
20 learning needs in the schools of that agency, and the specific
21 academic problems of low-performing students;

22 "(ii) have the greatest likelihood of
23 improving the performance of participating children in meeting
24 the State's student performance standards; and

1 "(iii) identify annual student performance
2 targets and goals for the next three years.

3 "(B) Such revision shall include determining why
4 the local educational agency's plan failed to bring about
5 increased achievement.

6 "(C) The local educational agency shall submit
7 its revised plan to the State educational agency for peer review
8 and approval.

9 "(5) STATE EDUCATIONAL AGENCY RESPONSIBILITY. For
10 each local educational agency identified under paragraph (3),
11 the State educational agency shall provide technical or other
12 assistance, if requested, as authorized under section 1117, to
13 better enable the local educational agency to—

14 "(A) develop and implement its revised plan; and

15 "(B) work with schools needing improvement.

16 "(6) CORRECTIVE ACTION. In order to ensure that
17 children served under this part meet challenging State
18 standards, each State educational agency shall implement a
19 system of corrective action in accordance with the following ,
20 unless the Secretary has approved an alternative procedure in
21 the State's plan under section 1111(b)(3)(B)(ii):

22 "(A) After providing technical assistance under
23 paragraph (5) and taking other remedial measures, the State
24 educational agency—

1 "(i) may take corrective action at any time
2 with respect to a local educational agency that has been
3 identified under paragraph (3);

4 "(ii) shall take such action with respect
5 to any local educational agency that still fails to make
6 continuous and substantial gains, as defined by the State,
7 immediately after the third year following its identification
8 under paragraph (3), except that the State educational agency
9 may refrain from taking such action for not more than one
10 additional year if it assesses the local educational agency's
11 performance and determines that—

12 "(I) the local educational agency is
13 meeting the targets and goals in its revised plan, as described
14 in paragraph (4)(A)(iii), as shown by an improvement in student
15 achievement through a one-year gain in scores on the State
16 assessment; and

17 "(II) the local educational agency
18 will meet the State's criteria for continuous and substantial
19 gains within one year; and

20 "(iii) shall continue to provide technical
21 assistance while instituting any corrective action under clause
22 (i) or (ii).

23 "(B) As used in this paragraph, the term
24 'corrective action' means action, consistent with State law,
25 that—

1 "(i) substantially and directly responds to
2 the persistent academic failure that caused that agency to take
3 that action and to any underlying staffing, curricular, or other
4 problems in the local educational agency; and

5 "(ii) is designed to substantially increase
6 the likelihood that students in the local educational agency's
7 schools will meet challenging State standards.

8 "(C) In any case described in subparagraph
9 (A)(ii), the State educational agency shall take at least one of
10 the following corrective actions:

11 "(i) Withholding of funds.

12 "(ii) Appointing a receiver or trustee to
13 administer the affairs of the local educational agency in place
14 of the superintendent and school board.

15 "(iii) Abolishing or restructuring the
16 local educational agency.

17 "(iv) In conjunction with any other action
18 described in this subparagraph, allowing students in schools
19 served under this part to choose to attend public schools in
20 other local educational agencies and providing them
21 transportation (or the costs of transportation) to those
22 schools.

23 "(D) Before implementing any corrective action
24 under subparagraph (A), the State educational agency shall
25 provide due process and a hearing to the affected local

1 educational agency, if State law provides for such process and
2 hearing.

3 "(E) The State educational agency shall make
4 public and disseminate any corrective action it takes under this
5 paragraph.

6 "(7) SPECIAL RULE. A State educational agency may
7 remove from improvement status under this subsection any local
8 educational agency that, for at least two of the three years
9 following identification under paragraph (3), makes substantial
10 gains toward meeting the State's standards.".

11

12 STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT

13 SEC. 117. Section 1117 of the ESEA is amended to read as
14 follows:

15 "STATE ASSISTANCE FOR SCHOOL DISTRICT AND
16 SCHOOL SUPPORT AND IMPROVEMENT

17 "SEC. 1117. (a) SYSTEM FOR SUPPORT. Each State
18 educational agency shall establish a statewide system of
19 intensive and sustained support and improvement for local
20 educational agencies and schools receiving funds under this
21 part, in order to increase the opportunity for all students in
22 those agencies and schools to meet the State's content standards
23 and student performance standards.

24 "(b) PRIORITIES. In carrying out this section, the State
25 educational agency shall—

1 "(1) first provide support and assistance to local
2 educational agencies subject to corrective action under section
3 1116 and to help schools, in accordance with section 1116(c)(6),
4 for which a local educational agency has failed to carry out its
5 responsibilities under section 1116(c)(4) and (5);

6 "(2) next, provide support and assistance to other
7 local educational agencies identified as in need of improvement
8 under section 1116; and

9 "(3) then provide support and assistance to other
10 local educational agencies and schools participating under this
11 part that need that support and assistance in order to achieve
12 the purpose of this part.

13 "(c) APPROACHES. In order to achieve the purpose
14 described in subsection (a), each such system shall provide
15 technical assistance and support through such approaches as—

16 "(1) school support teams, composed of in individuals
17 who are knowledgeable about research and practice on teaching
18 and learning, particularly about strategies for improving
19 educational results for low-achieving students;

20 "(2) the designation and use of 'Distinguished
21 Educators', chosen from schools served under this part that have
22 been especially successful in enabling children to meet (or make
23 outstanding progress toward meeting) State standards; and

1 "(3) a peer-review process designed to increase the
2 capacity of local educational agencies and schools to develop
3 high-quality school improvement plans.

4 "(d) FUNDS. Each State educational agency—

5 "(1) shall use funds reserved under section
6 1003(a)(1), but not used under section 1003(a)(2), to carry out
7 this section; and

8 "(2) may use State administrative funds reserved
9 under section 1701(c) for that purpose.".

10

11 PARENTAL INVOLVEMENT

12 SEC. 118. Section 1118 of the ESEA is amended—

13 (1) in subsection (a)(3)(A), by striking out "(other
14 than funds allocated under section 1002(e))";

15 (2) in subsection (c)—

16 (A) in paragraph (3), by striking out "section
17 1114(b)" and inserting in lieu thereof "section 1114(c)";

18 (B) in paragraph (4)(B)—

19 (i) by striking out "school performance
20 profiles required under section 1116(a)(3)" and inserting in
21 lieu thereof "the school report cards required by section
22 11206"; and

23 (ii) by striking out "section
24 1111(b)(3)(H)" and inserting in lieu thereof "section
25 1111(b)(2)(H)"; and

1 (C) in paragraph (5)–
2 (i) by striking out "section 1114(b)(2)"
3 and inserting in lieu thereof "section 1114(c)"; and
4 (ii) by striking out "participating
5 children" and inserting in lieu thereof "children attending the
6 school";
7 (3) in subsection (e)(1)–
8 (A) by striking out "the National Education
9 Goals" and inserting in lieu thereof "America's Education
10 Goals"; and
11 (B) by striking out "section 1111(b)(8)" and
12 inserting in lieu thereof "section 1111(b)(6)";
13 (4) in subsection (f), by striking out "the parental
14 involvement requirements of"; and
15 (5) by striking out subsection (g).

16

17 TEACHER QUALIFICATIONS AND PROFESSIONAL DEVELOPMENT

18 SEC. 119. Section 1119 of the ESEA is amended–

19 (1) by amending the section heading to read as
20 follows: "HIGH-QUALITY INSTRUCTION";
21 (2) by striking out subsections (f), (h), and (i) and
22 redesignating subsections (b) through (e) and subsection (g) as
23 subsections (d) through (h), respectively;
24 (3) by amending subsection (a) to read as follows:

1 "(a) PURPOSE AND GENERAL REQUIREMENTS. In order to enable
2 all children to meet challenging State standards, each local
3 educational agency receiving assistance under this part shall--
4 "(1) hire qualified instructional staff, consistent with
5 subsections (b) and (c);
6 "(2) provide high-quality professional development
7 that will improve teaching and learning in core content areas,
8 consistent with subsection (d); and
9 "(3) use at least five percent of its allocation
10 under this part for fiscal years 2001 and 2002, and 10 percent
11 of that allocation for subsequent fiscal years, for that
12 professional development, except that if a local educational
13 agency fails to make substantial progress against the indicators
14 for professional development identified by the Secretary under
15 section 2136 or the indicators for teacher quality established
16 by the State under section 11205 or by the Secretary under
17 section 11912, the State educational agency may withhold all or
18 a portion of the funds described in this paragraph and shall use
19 any funds so withheld to provide, or arrange for the provision
20 of, the professional development described in paragraph (2).";
21 (4) by inserting new subsections (b) and (c) to read
22 as follows:
23 "(b) MINIMUM QUALIFICATIONS FOR TEACHERS. Each local
24 educational agency shall ensure that, by no later than the
25 effective date of the amendments to this section made by the

1 Educational Excellence for All Children Act of 1999, all new
2 teachers in programs supported with funds under this part--

3 "(1) are certified in the field in which they will
4 teach; or

5 "(2) have a bachelors degree and are en rolled in a
6 program through which they will obtain such certification within
7 three years.

8 "(c) PARAPROFESSIONALS. --(1) Each local educational
9 agency shall ensure that, not later than July 1, 2002, all
10 paraprofessionals working in programs supported with funds under
11 this part meet the educational requirements of paragraph (2) or
12 (3) and perform only the duties described in those paragraphs.

13 "(2) A paraprofessional may perform any of the
14 following duties only if he or she has completed at least two
15 years of college and is under the direct supervision of a
16 teacher:

17 "(A) One-on-one tutoring for eligible students.
18 Any such tutoring must be at times that are in addition to the
19 time a student would otherwise receive instruction from a
20 teacher.

21 "(B) As sisting with classroom management, such
22 as organizing instructional and other materials.

23 "(C) Providing assistance in a computer
24 laboratory.

1 "(3) A paraprofessional who possesses a secondary
2 school diploma or its equivalent, but who has not completed at
3 least two years of college, may perform only non-instructional
4 duties, such as improving parental involvement, providing
5 support in a library or media center, or acting as a translator.

6 "(4) Each local educational agency shall ensure that
7 each paraprofessional described in paragraph (1)--

8 "(A) is appropriately trained and possesses the
9 knowledge and skills sufficient to support teachers, parents, or
10 school administrators, as the case may be, in meeting the goals
11 of this part;

12 "(B) participat es in professional development
13 and other training opportunities directly relevant to his or her
14 work assignment or to upgrading his or her assignment; and

15 "(C) is supervised by a teacher or other
16 appropriate school staff member.";

17 (5) in subsection (d), as redesignated by paragraph
18 (2)--

19 (A) by amending paragraph (1) to read as
20 follows:

21 "(1) Professional development under this section
22 shall include principals, teachers, and other school staff in
23 its design and shall--

24 "(A) improve the abilit y of teachers to help all
25 students, including children with disabilities, children with

1 limited English proficiency, and economically disadvantaged
2 children, reach high State content and student performance
3 standards;

4 "(B) advance teacher understanding of one or
5 more of the core academic subject areas and effective
6 instructional strategies for improving student achievement in
7 those areas;

8 "(C) be of sufficient duration to have a
9 positive and lasting impact on classroom instruction;

10 "(D) be an integral part of broader school and
11 district-wide plans for raising student achievement to State
12 standards;

13 "(E) be based on the best available research on
14 teaching and learning;

15 "(F) include professional development activities
16 that involve collaborative groups of teachers and administrators
17 from the same school or district and, to the greatest extent
18 possible, include follow-up and school-based support such as
19 coaching or study groups; and

20 "(G) as a whole, be regularly evaluated for its
21 impact on increased teacher effectiveness and improved student
22 achievement, with the findings of such evaluations used to
23 improve the quality of professional development."; and

24 (B) in paragraph (2)–

1 (i) by amending subparagraph (A) to read as
2 follows:
3 "(A) instruction in the use of data and
4 assessments to inform and instruct classroom practice;"
5 (ii) by amending subparagraph (D) to read
6 as follows:
7 "(D) instruction in the use of technology as a
8 tool to improve instruction;" and
9 (iii) in subparagraph (H), by striking out
10 "Head Start" and all that follows through "personnel" and
11 inserting in lieu thereof "Head Start, or family literacy
12 programs such as Even Start; State-run preschool program
13 personnel; and child-care providers"; and
14 (6) in subsection (h), as redesignated by paragraph
15 (2), by striking out "this Act" and all that follows through
16 "sources" and inserting in lieu thereof "this Act and other
17 sources".
18

19 PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

20 SEC. 120. Section 11 20 of the ESEA is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting "that address
23 their needs, and shall ensure that teachers and families of
24 these students participate, on an equitable basis, in services

1 and activities under sections 1118 and 1119" before the period
2 at the end thereof; and

3 (B) in paragraph (4), by inserting, before the
4 period at the end thereof, a comma and "which the local
5 educational agency may determine each year or every two years";

6 (2) in subsection (b)–

7 (A) in paragraph (1)–

8 (i) in subparagraph (D), by striking out
9 "assessed; and" and inserting in lieu thereof "assessed, and how
10 the results of that assessment will be used to improve those
11 services";

12 (ii) in subparagraph (E), by striking out
13 "what is" and all that follows through the period at the end
14 thereof and inserting in lieu thereof "the amounts of funds
15 generated by low-income private school children in each
16 participating attendance area for those services"; and

17 (iii) by adding at the end thereof new
18 subparagraphs (F) and (G) to read as follows:

19 "(F) the method or sources of data that are used
20 under subsection (a)(4) to determine the number of children from
21 low-income families in participating school attendance areas who
22 attend private schools; and

23 "(G) how and when the agency will make decisions
24 about the delivery of services to those children."; and

25 (B) in paragraph (2)–

1 (i) by inserting "shall include meetings of
2 agency and private school officials and" after "consultation";
3 and

4 (ii) by inserting a comma and "and shall
5 continue throughout implementation and assessment of activities
6 under this section" before the period at the end thereof;

7 (3) in subsection (d)(2), by striking out "sections
8 14505 and 14506" and inserting in lieu thereof "sections 11805
9 and 11806"; and

10 (4) by striking out subsection (e).

11

12 FISCAL REQUIREMENTS

13 SEC. 120A. Section 1120A of the ESEA is amended—

14 (1) in subsection (a), by striking out "section
15 14501" and inserting in lieu thereof "section 11801"; and

16 (2) in subsection (c)—

17 (A) in paragraph (2)—

18 (i) by amending the paragraph heading to
19 read as follows: " CRITERIA FOR MEETING COMPARABILITY
20 REQUIREMENT. ";

21 (ii) by amending subparagraph (A) to read
22 as follows:

23 "(A) To meet the requirement of paragraph (1), a
24 local educational agency shall establish, and obtain the State
25 educational agency's approval of, policies to ensure

1 comparability in the use of State and local funds among its
2 schools participating under this part and its other schools with
3 respect to—

4 "(i) pupil-teacher ratios and the
5 qualifications of teachers (by category of assignment, such as
6 regular education, special education, and bilingual education)
7 and professional staff;

8 "(ii) curriculum, the range of courses
9 offered, instructional materials, and instructional resources to
10 ensure that participating children have the opportunity to
11 achieve to the highest student performance levels under the
12 State's challenging content and student performance standards;
13 and

14 "(iii) the condition and safety of school
15 facilities, and their accessibility to technology.";

16 (iii) by striking out subparagraph (B) and
17 redesignating subparagraph (C) as subparagraph (B); and

18 (iv) by inserting after subparagraph (B),
19 as so redesignated, a new subparagraph (C) to read as follows:

20 "(C) Notwithstanding subparagraph (A), a local
21 educational agency may continue to meet the requirement of
22 paragraph (1) by complying with subparagraph (A) as it was in
23 effect prior to the enactment of the Educational Excellence for
24 All Children Act of 1999, but each local educational agency

1 shall comply with subparagraph (A), as amended by that Act, no
2 later than July 1, 2002."; and

3 (B) in paragraph (3)(B), by striking out
4 "biennially" and inserting in lieu thereof "annually".

5

6 PRESCHOOL SERVICES AND COORDINATION REQUIREMENTS

7 SEC. 120B. Section 1120B of the ESEA is amended—

8 (1) by amending the section heading to read as
9 follows: "PRESCHOOL SERVICES; COORDINATION REQUIREMENTS";

10 (2) in subsection (c), by striking out "Head Start
11 Act Amendments of 1994" and inserting in lieu thereof "Head
12 Start Amendments of 1998"; and

13 (3) by adding the following at the end thereof:

14 "(d) PRESCHOOL SERVICES.—(1) A local educational agency
15 may use funds received under this part to provide preschool
16 services—

17 "(A) directly to eligible preschool children in
18 all or part of its jurisdiction;

19 "(B) through any school participating in the
20 agency's program under this part; or

21 "(C) through a contract with a local Head Start
22 agency, a partnership operating an Even Start program, a State-
23 funded preschool program, or a comparable public early-childhood
24 development program.

1 "(2) Preschool programs operated with funds provided
2 under this part may be operated and funded jointly with Even
3 Start programs under part B of this title, Head Start programs,
4 or State-funded preschool programs.

5 "(3) All preschool programs funded under this part
6 shall—

7 "(A) focus on the developmental needs of
8 participating children, including their social, cognitive, and
9 language-development needs, and use research-based approaches
10 that build on competencies that lead to school success,
11 particularly in language and literacy development and in
12 reading; and

13 "(B) ensure that part icipating children, at a
14 minimum—

15 "(i) understand and use language to
16 communicate for various purposes;

17 "(ii) understand and use increasingly
18 complex and varied vocabulary;

19 "(iii) develop and demonstrate an
20 appreciation of books;

21 "(iv) develop phonemic, print, and numeracy
22 awareness; and

23 "(v) in the case of children with limited
24 English proficiency, progress toward acquisition of the English
25 language.".

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ALLOCATIONS

SEC. 120C. (a) GRANTS FOR THE OUTLYING AREAS AND THE
SECRETARY OF THE INTERIOR. Section 1121(b) of the ESEA is
amended—

- (1) in paragraph (1), by striking out "paragraph (3)"
and inserting in lieu thereof "paragraph (2)"; and
- (2) in paragraph (2)(A), by inserting "not more than"
after "shall reserve".

(b) ALLOCATIONS TO STATES. Section 1122 of the ESEA is
amended to read as follows:

"ALLOCATIONS TO STATES

"SEC. 1122. (a) AMOUNTS FOR BASIC GRANTS, CONCENTRATION
GRANTS, AND TARGETED GRANTS. Of the amount appropriated under
section 1002(a) for any fiscal year that remains after funds are
reserved under section 1003(b), the Secretary shall allocate the
greater of the following to targeted grants under section 1125:

- "(1) 20 percent of that remaining amount.
- "(2) The portion of that remaining amount that
exceeds the combined appropriation for fiscal year 1995 for
basic grants under section 1124 and for concentration grants
under section 1124A.

"(b) ALLOCATIONS. Except as provided in subsections (c)
and (d), the Secretary shall allocate to each State the sum of

1 the amounts determined for the local educational agencies in the
2 State under sections 1124, 1124A, and 1125.

3 "(c) ADJUSTMENTS IN CASE OF INSUFFICIENT APPROPRIATIONS. —

4 (1) If the sums available for any fiscal year under subsection
5 (a) are insufficient to pay the full amounts that all local
6 educational agencies in the States are eligible to receive under
7 sections 1124, 1124A, and 1125, the Secretary shall ratably
8 reduce the allocations to those agencies and to the States.

9 "(2) If additional funds become available for making
10 payments under those sections, the Secretary shall ratably
11 increase those allocations.

12 "(d) HOLD-HARMLESS AMOUNTS. —(1) Notwithstanding
13 subsections (b) and (c), the amount made available to each local
14 educational agency under each of sections 1124 and 1125 for any
15 fiscal year shall be—

16 "(A) at least 95 percent of its amount for the
17 previous fiscal year if the number of children counted under
18 section 1124(c) is at least 30 percent of the total number of
19 children aged 5 through 17 in that agency;

20 "(B) at least 90 percent of its amount for the
21 previous fiscal year if the number of children so counted is at
22 least 15 percent, but less than 30 percent, of the total number
23 of children aged 5 through 17 in that agency; and

24 "(C) at least 85 percent of its amount for the
25 previous fiscal year if the number of children so counted is

1 less than 15 percent of the total number of children aged 5
2 through 17 in that agency.

3 "(2) In any fiscal year for which the Secretary makes
4 allocations under this part to counties—

5 "(A) the Secretary shall apply the percentages
6 described in paragraph (1) to counties; and

7 "(B) if the allocation to a county is not
8 sufficient to meet the requirement of paragraph (1) for each
9 local educational agency in that county, the State educational
10 agency shall proportionately reallocate funds from all other
11 local educational agencies in the State that would otherwise
12 receive allocations in excess of the amounts determined under
13 that paragraph.

14 "(e) DEFINITION. For the purpose of this section and
15 sections 1124, 1124A, and 1125, the term 'State' means each of
16 the 50 States, the District of Columbia, and the Commonwealth of
17 Puerto Rico."

18 (c) BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES. Section
19 1124 of the ESEA is amended—

20 (1) in subsection (a)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 "(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES. Except
24 as provided in paragraph (4) and in section 1126, the grant that
25 a local educational agency is eligible to receive under this

1 section for a fiscal year is the amount determined by
2 multiplying—

3 "(A) the number of children counted under
4 subsection (c); and

5 "(B) 40 percent of the average per-pupil
6 expenditure in the State, except that the amount determined
7 under this subparagraph shall not be less than 32 percent, and
8 not more than 48 percent, of the average per-pupil expenditure
9 in the United States.";

10 (B) by redesignating paragraphs (3) and (4) as
11 paragraphs (4) and (5), respectively;

12 (C) by amending paragraph (2), and inserting
13 after paragraph (2) a new paragraph (3), to read as follows:

14 "(2) CALCULATION OF GRANTS. —(A) ALLOCATIONS TO LOCAL
15 EDUCATIONAL AGENCIES. The Secretary shall calculate grants
16 under this section on the basis of the number of children
17 counted under subsection (c) for local educational agencies,
18 unless the Secretary and the Secretary of Commerce determine
19 that some or all of those data are unreliable or that their use
20 would be otherwise inappropriate, in which case--

21 "(i) the two Secretaries shall publicly
22 disclose the reasons for their determination in detail; and

23 "(ii) paragraph (3) shall apply.

24 "(B) ALLOCATIONS TO LARGE AND SMALL LOCAL
25 EDUCATIONAL AGENCIES. —(i) For any fiscal year to which this

1 paragraph applies, the Secretary shall calculate grants under
2 this section for each local educational agency.

3 "(ii) The amount of a grant under this
4 section for each large local educational agency shall be the
5 amount determined under clause (i).

6 "(iii) For sm all local educational
7 agencies, the State educational agency may either—

8 "(I) distribute grants under this
9 section in amounts determined by the Secretary under clause (i);
10 or

11 "(II) use an alternative method
12 approved by the Secretary to distribute the portion of the
13 State's total grants under this section that is based on those
14 small agencies.

15 "(iv) An alternative method under clause
16 (iii)(II) shall be based on population data that the State
17 educational agency determines best reflect the current
18 distribution of children in poor families among the State's
19 small local educational agencies that meet the eligibility
20 criteria of subsection (b).

21 "(v) If a small local educational agency is
22 dissatisfied with the determination of its grant by the State
23 educational agency under clause (iii)(II), it may appeal that
24 determination to the Secretary, who shall respond within 45 days
25 of receiving it.

1 "(vi) As used in this subparagraph—
2 "(I) the term 'large local educational
3 agency' means a local educational agency serving an area with a
4 total population of 20,000 or more; and
5 "(II) the term 'small local
6 educational agency' means a local educational agency serving an
7 area with a total population of less than 20,000.
8 "(3) ALLOCATIONS TO COUNTIES. —(A) For any fiscal
9 year to which this paragraph applies, the Secretary shall
10 calculate grants under this section on the basis of the number
11 of children counted under section 1124(c) for counties, and
12 State educational agencies shall suballocate county amounts to
13 local educational agencies, in accordance with regulations of
14 the Secretary.
15 "(B) In any State in which a large number of
16 local educational agencies overlap county boundaries, or for
17 which the State believes it has data that would better target
18 funds than allocating them by county, the State educational
19 agency may apply to the Secretary for authority to make the
20 allocations under this part for a particular fiscal year
21 directly to local educational agencies without regard to
22 counties.
23 "(C) If the Secretary approves its application
24 under subparagraph (B), the State educational agency shall

1 provide the Secretary an assurance that those allocations will
2 be made—

3 "(i) using precisely the same factors for
4 determining a grant as are used under this part; or

5 "(ii) using data that the State educational
6 agency submits to the Secretary for approval that more
7 accurately target poverty.

8 "(D) The State educational agency shall provide
9 the Secretary an assurance that a procedure is (or will be)
10 established through which local educational agencies that are
11 dissatisfied with its determinations under subparagraph (B) may
12 appeal directly to the Secretary for a final determination.";
13 and

14 (D) by amending paragraph (4), as redesignated
15 by subparagraph (B), to read as follows:

16 "(4) PUERTO RICO. The grant that the Commonwealth of
17 Puerto Rico is eligible to receive under this section for a
18 fiscal year is the amount determined for Puerto Rico under
19 paragraph (1), multiplied by the following:

20 "(A) For fiscal year 2001, 77.6 percent.

21 "(B) For fiscal year 2002, 83.2 percent.

22 "(C) For fiscal year 2003, 88.8 percent.

23 "(D) For fiscal year 2004, 94.4 percent.

24 "(E) For fiscal years starting with fiscal year
25 2005, 100 percent.";

1 (2) by amending subsection (b) to read as follows:

2 "(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY. A local

3 educational agency is eligible for a basic grant under this

4 section for any fiscal year only if the number of children

5 counted under subsection (c) for that agency is both—

6 "(1) 10 or more; and

7 "(2) more than two percent of the total school-age

8 population in the agency's jurisdiction.";

9 (3) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by adding "and" at

12 the end thereof;

13 (ii) by striking out subparagraph (B) and

14 redesignating subparagraph (C) as subparagraph (B); and

15 (iii) in subparagraph (B), as so

16 redesignated, by inserting "(determined under paragraph (4) for

17 either the preceding year as described in that paragraph, or for

18 the second preceding year, as the Secretary finds appropriate)"

19 after "number of children";

20 (B) in paragraph (2)—

21 (i) in the second sentence, by striking out

22 "For fiscal year 1999 and beyond, the" and inserting in lieu

23 thereof "The"; and

24 (ii) by striking out the third and fourth

25 sentences;

1 (C) in paragraph (3)–
2 (i) in the first sentence–
3 (I) by striking out "1997" and
4 inserting in lieu thereof "2001"; and
5 (II) by striking out "unreliable" and
6 all that follows through Sciences" and inserting in lieu thereof
7 "unreliable"; and
8 (ii) in the second sentence, by striking
9 out "jointly issue a report setting forth their reasons in
10 detail" and inserting in lieu thereof "publicly disclose their
11 reasons";
12 (D) by striking out paragraph (4) and
13 redesignating paragraphs (5) and (6) as paragraphs (4) and (5),
14 respectively;
15 (E) in paragraph (4), as redesignated by
16 subparagraph (D)–
17 (i) by striking out the first sentence;
18 (ii) in the second sentence–
19 (I) by striking out "the number of
20 such children and";
21 (II) by striking out "of such ages"
22 and inserting in lieu thereof "aged 5 through 17"; and
23 (III) by striking out "(using" and all
24 that follows through "October)"; and

1 (iii) by adding the following sentence at
2 the end thereof: "For the purpose of this section, the
3 Secretary shall consider all children who are in correctional
4 institutions to be living in institutions for delinquent
5 children."; and

6 (F) in paragraph (5), as redesignated by
7 subparagraph (D), by striking out the final sentence; and

8 (4) in subsection (d), by striking out "subsection
9 (b)(1) or (d) of".

10 (d) CONCENTRATION GRANTS. Section 1124A of the ESEA is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by amending subparagraph (A) to read as
15 follows:

16 "(A) Except as provided in subparagraph (B),
17 each local educational agency that is eligible for a grant under
18 section 1124 for any fiscal year is eligible for an additional
19 grant under this section for that fiscal year if the number of
20 children counted under section 1124(c) in the agency exceeds
21 either—

22 "(i) 6,500; or

23 "(ii) 15 percent of the total number of
24 children aged 5 through 17 in the agency."; and

25 (ii) in subparagraph (B)—

1 (I) by striking out "such subsections
2 (b)(1) and (d) of"; and
3 (II) by striking out "described in
4 subparagraph (A)"; and
5 (B) by amending paragraph (4) to read as
6 follows:
7 "(4) LOCAL ALLOCATIONS. -(A) Grant amounts under this
8 section shall be determined in accordance with section
9 1124(a)(2) and (3).
10 "(B) For any fiscal year for which the Secretary
11 allocates funds under this section to counties, a State may
12 reserve not more than two percent of its allocation under this
13 section for any fiscal year to make grants to local educational
14 agencies that meet the criteria of paragraph (1)(A)(i) or (ii)
15 but that are in ineligible counties."; and
16 (2) by deleting subsections (b) and (c) and
17 redesignating subsection (d) as subsection (b).
18 (e) TARGETED ASSISTANCE GRANTS. Section 1125 of the ESEA
19 is amended--
20 (1) in subsection (b)--
21 (A) in paragraph (1)(B), by striking out "the
22 second sentence of subparagraph 1124(a)(1)(A)" and inserting in
23 lieu thereof "section 1124(a)(1)(A)"; and

1 (B) in paragraph (2), by striking out
2 "subparagraph 1124(a)(3)" and inserting in lieu thereof "section
3 1124(a)(4)";
4 (2) in subsection (c)–
5 (A) in paragraph (1), by amending the paragraph
6 heading to read as follows: " WEIGHTS FOR ALLOCATIONS TO
7 COUNTIES. "; and
8 (B) in paragraph (2)–
9 (i) by amending the paragraph heading to
10 read as follows: " WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL
11 AGENCIES. "; and
12 (ii) in subparagraph (A), by striking out
13 "beginning with fiscal year 1999";
14 (3) by amending subsection (d) to read as follows:
15 "(d) CALCULATION OF GRANT AMOUNTS. Grants under this
16 section shall be calculated in accordance with section
17 1124(a)(2) and (3)."; and
18 (4) in subsection (e), by striking out "subsection
19 (b)(1) or (d) of".
20 (f) EDUCATION FINANCE INCENTIVE PROGRAM. Section 1125A of
21 the ESEA is amended–
22 (1) by amending subsection (a) to read as follows:
23 "(a) GRANTS. From sums appropriated to carry out this
24 section, the Secretary is authorized to make grants to States to
25 carry out the purposes of this part.";

1 (2) in subsection (b)–

2 (A) by striking out "Funds appropriated pursuant
3 to subsection (e)" and inserting in lieu thereof "Funds
4 described in subsection (a) for each fiscal year"; and

5 (B) by striking out "appropriated pursuant to
6 subsection (e) for such fiscal year" and inserting in lieu
7 thereof "of those funds"; and

8 (3) by striking out subsection (e).

9 (g) SPECIAL ALLOCATION PROCEDURES. Section 1126(a)(1) of
10 the ESEA is amended–

11 (1) by inserting "or delinquent" after "neglected";
12 and

13 (2) by striking out "subparagraph 1124(c)(1)(C)" and
14 inserting in lieu thereof "section 1124(c)(1)(B)".

15

16 PROGRAM INDICATORS

17 SEC. 120D. Part A of title I of the ESEA is further
18 amended by adding at the end thereof a new subpart 3 to read as
19 follows:

20

21 "SUBPART 3 – PROGRAM INDICATORS

22

23 "PROGRAM INDICATORS

24 "SEC. 1131. Each State receiving assistance under this
25 part shall report to the Secretary each year with respect to its

1 progress in meeting the following performance indicators for
2 participating schools and local educational agencies, and shall
3 use those indicators to improve its program performance:

4 "(1) STUDENT PERFORMANCE. Increasing percentages of
5 students in schools with at least 50 percent poverty will meet
6 proficient and advanced performance levels on State assessments
7 in reading and mathematics.

8 "(2) STUDENT PERFORMANCE. The average scores
9 representing the performance of the lowest achieving students on
10 State assessments will increase annually in both reading and
11 mathematics.

12 "(3) ACCOUNTABILITY. Increasing percentages of
13 schools identified as in need of improvement under this part
14 will show academic progress after two years.

15 "(4) QUALIFIED TEACHERS. The percentage of teachers
16 in programs under this part who are certified in the field in
17 which they teach will increase annually.

18 "(5) ALIGNED CURRICULA AND MATERIALS. Increasing
19 percentages of school principals will report that curricula and
20 instructional materials in use in their school are aligned with
21 challenging State content standards.

22 "(6) EXTENDED TIME. Increasing percentages of
23 schools will operate before- and after-school, summer, and other
24 programs designed to extend and reinforce student learning.

1 "(7) PARENTAL INVOLVEMENT. Increasing percentages of
2 parents will report that their schools engage them in supporting
3 their children's learning.".

1 PART B - EVEN START

2

3 STATEMENT OF PURPOSE

4 SEC. 121. Section 1201 of the ESEA is amended—

5 (1) in paragraph (1), by inserting "high-quality"
6 after "existing";

7 (2) in paragraph (2), by striking out "and" at the
8 end thereof;

9 (3) in paragraph (3), by striking out the period and
10 inserting in lieu thereof a semicolon and "and"; and

11 (4) by adding at the end thereof a new paragraph (4)
12 to read as follows:

13 "(4) be based on the best available research on
14 language development, reading instruction, and prevention of
15 reading difficulties.".

16

17 PROGRAM AUTHORIZED

18 SEC. 122. Section 1202 of the ESEA is amended—

19 (1) by amending subsection (a) to read as follows:

20 "(a) RESERVATION OF FUNDS. For each fiscal year, the
21 Secretary shall reserve 5 percent of the amount appropriated
22 under section 1002(b) for programs, under such terms and
23 conditions as the Secretary shall establish, that are consistent
24 with the purpose of this part, and that support national

1 demonstration and model projects for isolated and especially
2 hard-to-reach populations, which shall include projects for—
3 "(1) children of migratory workers;
4 "(2) the outlying areas, for which the Secretary
5 shall reserve one-half of one percent of the funds appropriated
6 under section 1002(b);
7 "(3) Indian tribes and tribal organizations; and
8 "(4) such other populations as the Secretary may from
9 time to time determine, such as families that are homeless, that
10 have children with severe disabilities, or that include
11 incarcerated mothers of young children.";
12 (2) by amending subsection (b) to read as follows:
13 "(b) RESERVATION FOR FEDERAL ACTIVITIES. From amounts
14 appropriated under section 1002(b) for any fiscal year, the
15 Secretary may reserve not more than one percent to provide,
16 directly or through grants or contracts with eligible
17 organizations, technical assistance, program improvement, and
18 replication activities.";
19 (3) in subsection (c)—
20 (A) by amending the subsection heading to read
21 "RESERVATION FOR STATEWIDE FAMILY LITERACY INITIATIVES.";
22 (B) in paragraph (1), by striking out "From
23 funds reserved under section 2260(b)(3), the Secretary shall"
24 and inserting in lieu thereof "From funds appropriated under
25 section 1002(b) for any fiscal year, the Secretary may";

1 (C) in paragraph (2)(C)–
2 (i) in the subparagraph heading, by
3 striking out "PART C OF TITLE II" and inserting in lieu thereof
4 "PART E";
5 (ii) by striking out "section 225 3(d)" and
6 inserting in lieu thereof "section 1503(d)"; and
7 (iii) by striking out "section 2253" and
8 inserting in lieu thereof "section 1503"; and
9 (D) in paragraph (3), by striking out "section
10 2252" and inserting in lieu thereof "section 1502";
11 (4) in subsection (d)–
12 (A) in paragraph (2), by striking out "that
13 section" and inserting in lieu thereof "that part"; and
14 (B) in paragraph (3)–
15 (i) by striking out "\$250,000, or"; and
16 (ii) by striking out "such year, whichever
17 is greater" and inserting in lieu thereof "such year"; and
18 (5) in subsection (e)–
19 (A) in paragraph (2), by striking out
20 "nonprofit"; and
21 (B) in paragraph (3), by striking out the period
22 at the end thereof and inserting in lieu thereof a semicolon.
23

24 STATE PROGRAMS

25 SEC. 123. Section 1203 of the ESEA is amended–

1 (1) by redesignating subsections (a) and (b) as
2 subsections (b) and (c), respectively;

3 (2) by inserting a new subsection (a) to read as
4 follows:

5 "(a) STATE PLAN. -(1) CONTENTS. Each State that desires
6 to receive a grant under this part shall submit a plan to the
7 Secretary containing such budgetary and other information as the
8 Secretary may require, and which shall—

9 "(A) include the State's indicators of program
10 quality, developed under section 1210 or, if the State has not
11 completed work on those indicators, describe its progress in
12 developing them;

13 "(B) describe how the State is using, or will
14 use, those indicators to monitor, evaluate, and improve projects
15 it assists under this part, and to decide whether to continue
16 assisting those projects;

17 "(C) describe how the State will help each
18 project under this part ensure the full implementation of the
19 program elements described in section 1205, including how it
20 will encourage local projects to use technology, such as
21 distance learning, to improve program access and the intensity
22 of services, especially for isolated populations;

23 "(D) describe how the State will conduct the
24 competition for subgrants, including the application of the
25 criteria described in section 1208; and

1 "(E) describe how the State will coordinate
2 resources, especially among State agencies, to improve family
3 literacy services in the State.

4 "(2) DURATION. Each State plan shall—

5 "(A) be submitted for the first year for which
6 this part is in effect following the enactment of the
7 Educational Excellence for All Children Act of 1999;

8 "(B) remain in effect for the duration of the
9 State's participation under this part; and

10 "(C) be periodically reviewed and revised by the
11 State, as necessary.";

12 (3) in subsection (b), as redesignated by
13 paragraph (1)—

14 (A) by striking out "section 1202(d)(1)" and
15 inserting in lieu thereof "section 1202(d)"; and

16 (B) in paragraph (2), by striking out
17 "subsection (b)" and inserting in lieu thereof "subsection (c)";
18 and

19 (4) in paragraph (1) of subsection (c), as
20 redesignated by paragraph (1)—

21 (A) by striking out "section 1202(d)(1)" and
22 inserting in lieu thereof "section 1202(d)"; and

23 (B) by striking out "subsection (a)" and
24 inserting in lieu thereof "subsection (b)".

25

1 USES OF FUNDS

2 SEC. 124. Section 1204 of the ESEA is amended—

3 (1) in subsection (a), by striking out "family-
4 centered education programs" and inserting in lieu thereof
5 "family literacy services"; and

6 (2) in subsection (b)(1), by inserting "and in
7 section 1208(c)(2)" after "paragraph (2)".

8

9 PROGRAM ELEMENTS

10 SEC. 125. Section 1205 of the ESEA is amended to read as
11 follows:

12 "PROGRAM ELEMENTS

13 "SEC. 1205. Each program assisted under this pa rt shall—

14 "(1) identify and recruit families most in need of
15 services provided under this part, as indicated by the eligible
16 parent or parents' low income and low level of adult literacy or
17 English language proficiency, and other need-related factors;

18 "(2) screen and prepare parents (including teenage
19 parents) and children to enable them to participate fully in the
20 activities and services provided under this part, including
21 testing, referral to necessary counseling, and other
22 developmental, support, and related services;

23 "(3) be designed to accommodate participating
24 families' work schedules and other responsibilities, including
25 scheduling and locating services to allow joint participation by

1 parents and children, and providing support services necessary
2 for participation in the activities assisted under this part if
3 those services are unavailable from other sources, such as—
4 "(A) child care for the period that the parents
5 are involved in the programs assisted under this part;
6 "(B) transportation to enable parents and their
7 children to participate in those programs; and
8 "(C) career counseling and job-placement
9 services;
10 "(4) provide high-quality, intensive family literacy
11 services (as defined in section 1202(e)(3)), using instructional
12 approaches that the best available research on reading indicates
13 will be most effective in building adult literacy and children's
14 language development and reading ability;
15 "(5) with respect to the qualifications of staff
16 whose salaries are supported with funds under this part, ensure
17 that—
18 "(A)(i) a majority of instruction is provided by
19 teachers who have obtained at least a bachelor's degree, and who
20 are certified in the field in which they are teaching, or who
21 are enrolled in a program leading to such certification within
22 two years;
23 "(ii) within four years of the effective
24 date of the amendments to this section made by the Educational

1 Excellence for All Children Act of 1999, all instruction is
2 provided by teachers who have at least a bachelor's degree; and
3 "(iii) as of that effective date, all new
4 teachers who are hired to provide instruction have at least a
5 bachelor's degree, and are certified in the field in which they
6 are going to teach, or are enrolled in a program leading to such
7 certification within two years;

8 "(B) not later than July 1, 2002,
9 paraprofessionals who provide instructional support services,
10 such as one-on-one tutoring and follow-up educational activities
11 in home visits and with individuals and small groups, have
12 completed at least two years of college and are under the direct
13 supervision of a teacher described in subparagraph (A); and

14 "(C) paraprofessionals who provide non-
15 instructional services, such as family recruitment, acting as a
16 translator, community-liaison work, and media-center or library
17 support, possess at least a secondary school diploma or its
18 equivalent;

19 "(6) provide special training for staff, including
20 child-care staff, to develop the skills, and obtain
21 certification in, instructional areas needed to carry out the
22 purpose of this part;

23 "(7) provide and monitor integrated instructional
24 services to participating parents and children through center-
25 based and home-based programs;

1 "(8) serve those families most in need of the
2 activities and services provided under this part, including
3 individuals with special needs, such as individuals with
4 disabilities, individuals with limited English proficiency, and
5 homeless individuals;

6 "(9) use methods that ensure that participating
7 families successfully complete the program, including—

8 "(A) operating a year-round program, including
9 continuing to provide some instructional services for
10 participants during the summer months;

11 "(B) providing developmentally appropriate
12 educational services for at least a three-year age range of
13 children;

14 "(C) encouraging participating families to
15 regularly attend and remain in the program for a sufficient time
16 to meet their program goals; and

17 "(D) promoting the continuity of family literacy
18 services across critical points in the lives of children and
19 their parents so that those individuals can retain and improve
20 their educational outcomes;

21 "(10) be coordinated with—

22 "(A) programs assisted under other parts of this
23 title and this Act;

24 "(B) any relevant programs under the Adult
25 Education and Family Literacy Act, the Individuals with

1 Disabilities Education Act, and the Workforce Investment Act of
2 1998; and

3 "(C) Head Start programs, Child Care Development
4 Block Grant programs, volunteer literacy programs, and other
5 relevant programs; and

6 "(11) provide for an independent evaluation of the
7 program, consistent with section 1207(c)(1)(E), to be used for
8 program improvement.".

9

10 ELIGIBLE PARTICIPANTS

11 SEC. 126. Section 1206(a)(1)(B) of the ESEA is amended by
12 inserting a comma and "or who are attending secondary school"
13 after "this part".

14

15 APPLICATIONS

16 SEC. 127. (a) PLANS. Section 1207(c) of the ESEA is
17 amended—

18 (1) by inserting "and continuous improvement" after
19 "plan of operation";

20 (2) in paragraph (1)—

21 (A) by amending subparagraph (A) to read as
22 follows:

23 "(A) a description of the program goals,
24 including outcomes for children and families that are consistent

1 with the program indicators established or adopted by the State
2 under section 1210, and of the strategies the applicant will use
3 to reach those goals;"

4 (B) in subparagraph (B), by inserting "each of"
5 after "incorporate";

6 (C) in subparagraph (D) by inserting "and" at
7 the end thereof; and

8 (D) by striking out subparagraphs (E) and (F)
9 and inserting in lieu thereof the following:

10 "(E) provisions for rigorous and objective
11 evaluation of progress toward the goals described in
12 subparagraph (A), and the continuing use of evaluation data for
13 program improvement."; and

14 (3) in paragraph (2), by striking out "paragraph
15 (1)(A)" and inserting in lieu thereof "paragraph (1)".

16 (b) TECHNICAL AMENDMENT. Section 1207 of the ESEA is
17 further amended by striking out subsection (d).

18

19 AWARD OF SUBGRANTS

20 SEC. 128. (a) SELECTION PROCESS. Section 1208(a) of the
21 ESEA is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (B), by striking out
24 "limited-English" and inserting in lieu thereof "limited
25 English";

1 (B) by striking out subparagraph (C);
2 (C) by redesignating subparagraphs (D) through
3 (H) as subparagraphs (C) through (G) respectively;
4 (D) in subparagraph (E), as redesignated by
5 subparagraph (C), by striking out "Federal" and inserting in
6 lieu thereof "non-Federal"; and
7 (E) in subparagraph (G), as redesignated by
8 subparagraph (C), by striking out "local educational agencies"
9 and inserting in lieu thereof "family literacy projects"; and
10 (2) in paragraph (3), by striking out "one or more of
11 the following individuals:" and inserting in lieu thereof "an
12 individual with expertise in family literacy programs, and may
13 include other individuals, such as one or more of the
14 following:".

15 (b) EXEMPLARY PROJECTS. Section 1208 of the ESEA is
16 amended by adding at the end thereof a new subsection (c) to
17 read as follows:

18 "(c) EXEMPLARY PROJECTS. -(1) Notwithstanding
19 subsection (b)(5)(A), each State may use funds under this part
20 in any fiscal year to continue providing assistance, for up to
21 two additional years, for not more than two projects that have
22 been highly successful in achieving the goals described in their
23 plans under section 1207(c)(1)(A) and that have substantial
24 potential to serve as models for other projects throughout the

1 Nation and as mentor sites for other family-literacy programs in
2 the State.

3 "(2) The Federal share of any subgrant under
4 paragraph (1) shall not exceed 40 percent for the first year and
5 30 percent for the second year."

6

7 EVALUATION

8 SEC. 129. Section 1209 of the ESEA is amended to read as
9 follows:

10 "EVALUATION

11 "SEC. 1209. The Secretary shall provide for an independent
12 evaluation of programs assisted under this part, to—

13 "(1) determine their performance and effectiveness;

14 and

15 "(2) identify effective programs that can be
16 duplicated and used in providing technical assistance to
17 Federal, State, and local programs."

18

19 INDICATORS OF PROGRAM QUALITY

20 SEC. 130. Section 1210 of the ESEA is amended—

21 (1) by striking out "Each" and inserting in lieu
22 thereof "By September 30, 2000, each"; and

23 (2) by adding at the end thereof a new paragraph (3)
24 to read as follows:

1 "(3) With respect to a program's implementation of
2 high-quality, intensive family literacy services, specific
3 levels of intensity of those services and duration of
4 individuals' participation that are necessary to result in the
5 outcomes described under paragraphs (1) and (2), which the State
6 shall periodically review and revise as needed to achieve those
7 outcomes.".

8

9 REPEAL AND REDESIGNATION

10 SEC. 130A. (a) REPEAL. Section 1211 of the ESEA is
11 repealed.

12 (b) REDESIGNATION. Section 1212 of the ESEA is
13 redesignated as section 1211.

2

3 STATE ALLOCATIONS

4 SEC. 131. Section 1303 of the ESEA is amended—

5 (1) by amending subsection (a) to read as follows:

6 "(a) STATE ALLOCATIONS. —(1) IN GENERAL. Except as
7 provided in paragraph (2) and subsection (b), each State is
8 entitled to receive under this part, for each fiscal year, an
9 amount equal to—

10 "(A) the sum of—

11 "(i) the number of identified eligible
12 migratory children, aged 3 through 21, residing in the State
13 during the previous year; and

14 "(ii) the number of identified eligible
15 migratory children, aged 3 through 21, who received services
16 under this part in summer or intersession programs provided by
17 the State; multiplied by

18 "(B) 40 percent of the average per-pupil
19 expenditure in the State, but not less than 32 percent or more
20 than 48 percent of the average per-pupil expenditure in the
21 United States.

22 "(2) MINIMUM AND MAXIMUM ALLOCATIONS. No State's
23 allocation under paragraph (1) for any fiscal year shall be more
24 than 120 percent, or less than 80 percent, of its allocation for

1 the previous year, except that no State's allocation shall be
2 less than \$200,000.";

3 (2) by amending subsection (b) to read as follows:

4 "(b) ALLOCATIONS TO PUERTO RICO. Subject to subsection
5 (a)(2), The grant that the Commonwealth of Puerto Rico is
6 eligible to receive under this section for a fiscal year is the
7 amount determined for Puerto Rico under subsection (a)(1),
8 multiplied by the following:

9 "(1) For fiscal year 2001, 77.6 percent.

10 "(2) For fiscal year 2002, 83.2 percent.

11 "(3) For fiscal year 2003, 88.8 percent.

12 "(4) For fiscal year 2004, 94.4 percent.

13 "(5) For fiscal years starting with fiscal year 2005,
14 100 percent."; and

15 (3) by striking out subsections (d) and (e).

16

17 STATE APPLICATIONS

18 SEC. 132. Section 1304 of the ESEA is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by striking out "through"
21 and all that follows through the end thereof and inserting in
22 lieu thereof "through—

23 "(A) the full range of services that are
24 available for migratory children from appropriate local, State,
25 and Federal educational programs;

1 "(B) joint planning among such local, State, and
2 Federal programs, and bilingual education programs under part A
3 of title VII;

4 "(C) the integration of services available under
5 this part with services provided by those other programs; and

6 "(D) measurable program goals and outcomes;

7 (B) in paragraph (5), by striking out "the
8 requirements of paragraph (1)" and inserting in lieu thereof
9 "the numbers and needs of migratory children, the requirements
10 of subsection (d), and the availability of funds from other
11 Federal, State, and local programs";

12 (C) by redesignating paragraphs (5) and (6) as
13 paragraphs (6) and (7); and

14 (D) by inserting after paragraph (4) a new
15 paragraph (5) to read as follows:

16 "(5) a description of how the State will encourage
17 the participation of migratory children in State assessments
18 required under section 1111(b)(2);"; and

19 (2) in subsection (c)–

20 (A) in paragraph (1)(A), by striking out
21 "section 1306(b)(1)" and inserting in lieu thereof "section
22 1306(a)";

23 (B) in paragraph (2), by striking out "part F"
24 and inserting in lieu thereof "part G";

25 (C) in paragraph (3)–

1 (i) by striking out "appropriate"; and
2 (ii) by striking out "carried out, to the
3 extent feasible," and inserting in lieu thereof "carried out";
4 and
5 (D) in paragraph (7), by striking out "section
6 1303(e)" and inserting in lieu thereof "section 1303(a)(1)(A)".
7

8 AUTHORIZED ACTIVITIES

9 SEC. 133. Section 1306 of the ESEA is amended to read as
10 follows:

11 "AUTHORIZED ACTIVITIES

12 "SEC. 1306. (a) IN GENERAL. -(1)(A) Each State
13 educational agency, through its operating agencies, shall have
14 the flexibility to determine the activities to be provided with
15 funds made available under this part; except that

16 "(B) such funds shall first be used to meet the
17 identified needs of migratory children that result from their
18 migratory lifestyle, and permit these children to participate
19 effectively in school.

20 "(2) Funds provided under this part shall be used to
21 address the needs of migratory children that are not addressed
22 by services available from other Federal or non-Federal
23 programs, except that migratory children who are eligible to
24 receive services under part A of this title may receive those
25 services through funds provided under that part, or with funds

1 under this part that remain after the agency addresses the needs
2 described in paragraph (1)(B).

3 "(b) CONSTRUCTION. Nothing in this part shall be
4 construed to prohibit a local operating agency from serving
5 migratory children simultaneously with students with similar
6 educational needs in the same educational settings, where
7 appropriate.

8 "(c) SPECIAL RULE. Notwithstanding section 1114, a school
9 that receives funds under this part shall continue to address
10 the identified needs described in subsection (a)(1).".

11

12 COORDINATION OF MIGRANT EDUCATION ACTIVITIES

13 SEC. 134. Section 1308 of the ESEA is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1), by striking out

16 "nonprofit"; and

17 (B) in paragraph (2) by striking out "subpart"

18 and inserting in lieu thereof "subsection";

19 (2) by amending subsection (b) to read as follows:

20 "(b) ASSISTANCE. The Secretary shall assist States in
21 developing effective methods for the transfer of student records
22 and in determining the number of migratory children in each
23 State.";

24 (3) in subsection (c), by striking out "\$6,000,000"

25 and inserting in lieu thereof "\$10,000,000"; and

1 (4) by amending subsection (d) to read as follows:

2 "(d) INCENTIVE GRANTS. From the amounts made available to

3 carry out this section for any fiscal year, the Secretary may

4 reserve not more than \$3,000,000 to award grants of not more

5 than \$250,000 to State educational agencies that propose

6 consortium arrangements with another State or other appropriate

7 entity that the Secretary determines, pursuant to criteria the

8 Secretary shall establish, would improve the delivery of

9 services to migratory children whose education is interrupted.".

11

DEFINITIONS

12 SEC. 135. Section 1309(2) of the ESEA is amended by
13 striking out "parent, spouse, or guardian" each place it appears
14 and inserting in lieu thereof "parent or spouse".

1 PART D - NEGLECTED AND DELINQUENT CHILDREN

2

3 PROGRAM NAME

4 SEC. 141. The heading of part D of title I of the ESEA is
5 amended to read as follows:

6 "PART D - STATE AGENCY PROGRAMS FOR CHILDREN AND YOUTH
7 WHO ARE NEGLECTED OR DELINQUENT".

8

9 FINDINGS; PURPOSE; PROGRAM AUTHORIZED

10 SEC. 142. (a) FINDING. Section 1401(a) of the ESEA is
11 amended to read as follows:

12 "(a) FINDINGS. Congress finds the following:

13 "(1) A large percentage of youth in the juvenile-
14 justice system have poor academic achievement, are a year or
15 more behind grade level, and have dropped out of school.

16 "(2) Many schools and correctional facilities fail to
17 communicate regarding a youth's academic needs, and students
18 often return to their home school ill-prepared to meet current
19 curriculum requirements.

20 "(3) Schools are often reluctant to deal with youth
21 returning from facilities and often receive no funds to deal
22 with the unique educational and other needs of those youth.

23 "(4) There is a need for federal assistance to
24 support State efforts to educate students in State institutions

1 for neglected and delinquent children and youth to challenging
2 academic standards.".

3 (b) PURPOSE. Section 1401(b) of the ESEA is amended—

4 (1) in paragraph (1), by striking out "local and";

5 and

6 (2) by amending paragraph (3) to read as follows:

7 "(3) to provide youth returning from institutions
8 with a support system to ensure their continued education.".

9 (c) PROGRAM AUTHORIZED. Section 1401(c) of the ESEA is
10 amended—

11 (1) by striking out "and local educational agencies" ;

12 and

13 (2) by striking out "at risk" and all that follows
14 through "graduation".

15

16 PAYMENTS FOR PROGRAMS UNDER PART D

17 SEC. 143. Section 1402 of the ESEA is amended—

18 (1) by striking out "(a) AGENCY SUBGRANTS—"; and

19 (2) by striking out subsections (b) and (c).

20

21 ALLOCATION OF FUNDS

22 SEC. 144. Section 1412 of the ESEA is amended—

23 (1) in subsection (a)(1)—

24 (A) by striking out "Each State agency described
25 in section 1411 (other than an agency in the Commonwealth of

1 Puerto Rico)" and inserting in lieu thereof "Except as provided
2 in subsection (b), each State agency described in section 1411";
3 and

4 (B) by inserting "in" before "an amount equal";
5 and

6 (2) by amending subsection (b) to read as follows:

7 "(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO. The
8 amount of the subgrant for which a State agency in the
9 Commonwealth of Puerto Rico is eligible under this part for a
10 fiscal year is the amount determined for that agency under
11 subsection (a), multiplied by the following:

12 "(1) For fiscal year 2001, 77.6 percent.

13 "(2) For fiscal year 2002, 83.2 percent.

14 "(3) For fiscal year 2003, 88.8 percent.

15 "(4) For fiscal year 2004, 94.4 percent.

16 "(5) For fiscal years starting with fiscal year 2005,
17 100 percent.".

18

19 STATE PLAN AND STATE AGENCY APPLICATIONS

20 SEC. 145. (a) STATE PLAN. Section 1414(a) of the ESEA is
21 amended—

22 (1) in paragraph (1), by striking out "14306" and
23 inserting in lieu thereof "11506"; and

24 (2) in paragraph (2)–

1 (A) in subparagraph (B), by striking out "as
2 such children would have if such children" and inserting in lieu
3 thereof a comma and "and will be held to the same challenging
4 standards, as they would if they"; and

5 (B) in subparagraph (C)(ii), by striking out
6 "1416" and inserting in lieu thereof "1431".

7 (b) STATE AGENCY APPLICATIONS. Section 1414(c)(6) of the
8 ESEA of the ESEA is amended by striking out "14701" and
9 inserting in lieu thereof "1431".

10

11 USE OF FUNDS

12 SEC. 146. Section 1415(a)(2)(D) of the ESEA is amended by
13 striking out "14701" and inserting in lieu thereof "1431".

14

15 LOCAL AGENCY PROGRAMS

16 SEC. 147. Part D of title I of the ESEA is further amended
17 by—

18 (1) repealing subpart 2; and

19 (2) redesignating subpart 3 as subpart 2.

20

21 PROGRAM EVALUATIONS

22 SEC. 148. Section 1431 of the ESEA is amended—

23 (1) in subsection (a)—

24 (A) by striking out "or local educational
25 agency"; and

1 (B) by striking out "subpart 1 or 2" and
2 inserting in lieu thereof "subpart 1";
3 (2) by amending subsection (b) to read as follows:
4 "(b) EVALUATION MEASURES. In conducting each evaluation
5 under subsection (a), a State agency shall use multiple measures
6 of student progress that , while consistent with section
7 1414(a)(2)(B), are appropriate for the students and are feasible
8 for the agency to achieve (considering such factors as the
9 duration of students' participation in the program)."; and
10 (3) in subsection (c), by striking out "and local
11 educational agency".
12

13 DEFINITIONS

14 SEC. 149. Section 1432 of the ESEA is amended by striking
15 out paragraph (2) and redesignating paragraphs (3), (4), and (5)
16 as paragraphs (2), (3), and (4), respectively.

1 PART E - FEDERAL EVALUATIONS, DEMONSTRATIONS,
2 AND TRANSITION PROJECTS

3

4 EVALUATIONS, MANAGEMENT INFORMATION,
5 AND OTHER NATIONAL ACTIVITIES

6 SEC. 151. Section 1501 of the ESEA is amended to read as
7 follows:

8 "EVALUATIONS, MANAGEMENT INFORMATION,
9 AND OTHER NATIONAL ACTIVITIES

10 "SEC. 1501. (a) PURPOSE. The purpose of this section is
11 to authorize—

12 "(1) evaluations of the activities assisted under
13 this title to determine their effectiveness, consistent with the
14 Government Performance and Results Act of 1993;

15 "(2) activities undertaken in partnership with the
16 States to develop information needed to inform program
17 management and support continuous improvement at the State,
18 school district, and school levels;

19 "(3) applied research, technical assistance,
20 dissemination, and recognition activities relating to this
21 title; and

22 "(4) obtaining biennial updates of census data used
23 under this title.

24 "(b) NATIONAL ASSESSMENT OF TITLE I.—(1) IN GENERAL. The
25 Secretary shall conduct a national assessment of programs
26 assisted under this title, in coordination with the national

1 longitudinal study of schools under subsection (d), which shall
2 be planned, reviewed, and conducted with an independent panel
3 authorized under section 11911.

4 "(2) SCOPE OF ASSESSMENT. The national assessment
5 shall examine—

6 "(A) the implementation and impact of the
7 programs carried out under this title on student academic
8 performance, particularly in schools with high concentrations of
9 children living in poverty;

10 "(B) the implementation and impact of State
11 standards, assessments, and accountability systems developed
12 under this title on educational programs and instruction at the
13 local level;

14 "(C) the effect of schoolwide programs under
15 section 1114 and targeted-assistance programs under section 1115
16 on increasing the number of students who have access to an
17 enriched, challenging curriculum consistent with high standards;

18 "(D) the implementation and impact of the
19 professional development activities supported under this title
20 on instruction and student performance;

21 "(E) the extent to which local educational
22 agencies and schools, in carrying out activities under this
23 title, provide parents with meaningful opportunities to
24 participate in the education of their children at home and at
25 school, and the impact of those opportunities;

1 "(F) the extent to which the resources provided
2 under this title are effectively targeted to schools that need
3 them most;

4 "(G) the effectiveness of Federal
5 administration, including monitoring and technical assistance,
6 on programs under this title; and

7 "(H) such other issues as the Secretary may
8 determine.

9 "(3) SOURCES OF INFORMATION. The Secretary shall use
10 information from a variety of sources, including the National
11 Assessment of Educational Progress, State evaluations, and
12 available research studies, in carrying out the national
13 assessment.

14 "(4) INTERIM AND FINAL REPORTS. The Secretary shall
15 submit to the President and the appropriate committees of the
16 Congress an interim report on the national assessment within
17 three years of the enactment of the Educational Excellence for
18 All Children Act of 1999 and a final report within four years of
19 that enactment.

20 "(c) STUDIES AND DATA COLLECTION. -(1) IN GENERAL. In
21 addition to other activities described in this section, the
22 Secretary may, directly or through grants to, and contracts
23 with, appropriate entities—

24 "(A) conduct studies and evaluations of the need
25 for, and effectiveness of, programs under this title;

1 "(B) collect data that are needed to comply with
2 the Government Performance and Results Act of 1993; and

3 "(C) provide guidance and technical assistance
4 to State educational agencies and local educational agencies in
5 developing and maintaining management-information systems
6 through which they can develop program-performance indicators,
7 collect data to measure performance against those indicators,
8 and use the data to improve services and performance.

9 "(2) MINIMUM INFORMATION. At a minimum, the
10 Secretary shall collect trend information on the effect of
11 programs under this title, which shall complement the data
12 collected and reported under subsections (b) and (d).

13 "(d) NATIONAL LONGITUDINAL STUDY OF SCHOOLS.—(1) The
14 Secretary shall carry out an ongoing longitudinal study of
15 schools in order to provide the public, the Congress, and
16 educators involved in the program carried out under this title—

17 "(A) an accurate description of its short-term
18 and long-term effectiveness;

19 "(B) information that can be used to improve its
20 effectiveness in enabling students to meet challenging State
21 student performance standards; and

22 "(C) information on such other topics as the
23 Secretary may find appropriate, such as the program's
24 effectiveness in enabling students to graduate from secondary

1 school and make successful transitions to postsecondary
2 education and work.

3 "(2) The longitudinal study shall—

4 "(A) include a nationally representative sample
5 of schools participating in programs under this title that serve
6 large concentrations of children with limited English
7 proficiency; and

8 "(B) evaluate the extent to which those children
9 are—

10 "(i) participating in services and school-
11 improvement efforts supported by this title; and

12 "(ii) included and accommodated in State
13 assessments under this title.".

14

15 DEMONSTRATIONS OF INNOVATIVE PRACTICES

16 SEC. 152. Section 1502 of the ESEA is amended—

17 (1) in subsection (a)(1), by striking out "section
18 1002(g)(2)" and inserting in lieu thereof "section 1002(f)"; and

19 (2) in subsection (b), by striking out "section
20 1002(g)(2)" and inserting in lieu thereof "section 1002(f)".

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PART F - GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 161. Part F of title I of the E SEA is amended—

(1) by striking out sections 1601 and 1602; and

(2) by redesignating sections 1603 and 1604 as

sections 1601 and 1602, respectively.

READING AND LITERACY GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 171. Section 2253 of the ESEA is amended—

(1) by amending subsection (a)(2)(A) to read as

follows:

"(A) NUMBER OF GRANTS. After receiving a grant

under this subpart, a State educational agency may apply for a

subsequent grant, but the period of any subsequent grant may not

begin before the end of the period of the prior grant.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence, by striking out

"and in such form" and inserting in lieu thereof a comma and "in

such form, and containing such information"; and

(ii) in the second sentence, by inserting

"also" after "shall"; and

(B) in paragraph (2)(B), by adding at the end

thereof a new clause (ix) to read as follows:

"(ix) The process and criteria that the

State educational agency will use to review and approve

applications for local reading improvement subgrants under

section 1505 and for tutorial assistance subgrants under section

1506, including a peer-review process that includes individuals

described in section 1503(c)(2)(B) and, in the case of tutorial

1 assistance subgrants under section 1506, includes experts on
2 tutorial assistance.";

3 (3) in subsection (c)(2), by amending subparagraph
4 (C) to read as follows:

5 "(C) PRIORITY.—(i) The panel shall recommend
6 grant applications from State educational agencies under this
7 section to the Secretary for funding or disapproval.

8 "(ii) In making its recommendations, the
9 panel shall give priority to applications from State educational
10 agencies in States that have modified or are modifying, or that
11 provide persuasive evidence that not later than 18 months after
12 receiving a grant under this section the State will modify, its
13 requirements for certification of elementary school teachers to
14 require prospective teachers to be effectively trained in
15 methods of reading instruction that reflect scientifically based
16 reading research.

17 "(iii) Nothing in this part shall be read
18 to establish a national system of teacher certification."; and

19 (4) in subsection (d)(3), by striking out "the date
20 of the enactment of the Reading Excellence Act" and inserting in
21 lieu thereof "October 21, 1998".

22

23 USE OF FUNDS BY STATE EDUCATIONAL AGENCIES

24 SEC. 172. Section 2254 of the ESEA is amended to read as
25 follows:

1 "USE OF AMOUNTS BY STATE EDUCATIONAL AGENCIES

2 "SEC. 2254. A State educational agency that receives a
3 grant under section 1503—

4 "(1) may use not more than five percent of the grant
5 funds for the administrative costs of carrying out this part,
6 including the use of not more than two percent of the grant
7 funds to carry out section 1509; and

8 "(2) shall award not more than 15 percent of the
9 grant funds through at least one subgrant under section 1506.".

10

11 LOCAL READING IMPROVEMENT SUBGRANTS

12 SEC. 173. (a) IN GENERAL. Section 2255(a) of the ESEA is
13 amended—

14 (1) in paragraph (1)—

15 (A) by inserting "serve children in grades one
16 through three and that" after "agencies that";

17 (B) in subparagraph (B), by inserting "serving
18 children in grades one through three" after "State"; and

19 (C) in subparagraph (C), by inserting "serving
20 children in grades one through three" after "State";

21 (2) by redesignating paragraph (2) as paragraph (3);

22 (3) by redesignating the second sentence of paragraph
23 (1) as paragraph (2); and

24 (4) in paragraph (2), as so redesignated—

1 (A) by inserting the paragraph heading
2 "DEFINITION." after the paragraph designation "(2)"; and
3 (B) by striking out "subparagraph (C)" and
4 inserting in lieu thereof "paragraph (1)(C)".
5 (b) USE OF FUNDS. Section 2255(d) of the ESEA is amended—
6 (1) by redesignating paragraph (2) as paragraph (3)
7 and redesignating the second sentence of paragraph (1) as
8 paragraph (2);
9 (2) in paragraph (1)—
10 (A) by striking out "paragraph (2)" and
11 inserting in lieu thereof "paragraph (3)";
12 (B) by inserting "serves children in third grade
13 or below and" after "any school that"; and
14 (C) by striking out "the second sentence of
15 subsection (a)(1)" and inserting in lieu thereof "subsection
16 (a)(2)"; and
17 (3) in paragraph (2), as redesignated by paragraph
18 (1), by striking out "Such activities shall" and inserting in
19 lieu thereof " AUTHORIZED ACTIVITIES. The activities referred to
20 in paragraph (1)".
21

21

22 TUTORIAL ASSISTANCE SUBGRANTS

23 SEC. 174. (a) IN GENERAL. Section 2256(a) of the ESEA is
24 amended—

25 (1) in paragraph (1)—

1 (A) by inserting "local educational agencies
2 that serve children in grades one through three and that" after
3 "basis to";

4 (B) by striking out subparagraph (A) and
5 redesignating subparagraphs (B) through (D) as subparagraphs (A)
6 through (C), respectively;

7 (C) in subparagraph (A), as so redesignated, by
8 striking out "local educational agencies that";

9 (D) in subparagraph (B), as redesignated by
10 subparagraph (B)—

11 (i) by striking out "local educational
12 agencies with" and inserting in lieu thereof "have"; and

13 (ii) by inserting "that serve children in
14 grades one through three" after "State"; and

15 (E) in subparagraph (C), as redesignated by
16 subparagraph (B)—

17 (i) by striking out "local educational
18 agencies with" and inserting in lieu thereof "have"; and

19 (ii) by inserting "that serve children in
20 grades one through three" after "State";

21 (2) by redesignating paragraphs (2), (3), and (4) as
22 paragraphs (3), (4), and (5), respectively;

23 (3) by redesignating the second sentence of paragraph
24 (1) as paragraph (2);

25 (4) in paragraph (2), as so redesignated—

1 (A) by inserting the paragraph heading
2 "DEFINITION." after the paragraph designation "(2)"; and
3 (B) by striking out "subpara graph (D)" and
4 inserting in lieu thereof "paragraph (1)(C)";
5 (5) in subparagraph (B) of paragraph (3), as
6 redesignated by paragraph (2), by striking out "shall, as a
7 condition" and all that follows through "provide" and inserting
8 in lieu thereof "shall provide";
9 (6) in the second sentence of paragraph (4), as
10 redesignated by paragraph (2), by striking out "that (A)" and
11 all that follows through the end thereof and inserting in lieu
12 thereof "that—
13 "(A) is described in paragraph (1)(A);
14 "(B) has the largest, or second largest, number
15 of children who are counted under section 1124(c), in comparison
16 to all other schools in the local educational agency; or
17 "(C) has the highest, or second highest, school-
18 age child-poverty rate (as defined in paragraph (2)), in
19 comparison to all other schools in the local educational
20 agency."; and
21 (7) in paragraph (5), as redesignated by paragraph
22 (2)—
23 (A) by striking out "paragraph (2)" and
24 inserting in lieu thereof "paragraph (3)"; and

1 (B) by striking out "paragraph (3)" and
2 inserting in lieu thereof "paragraph (4)".

3 (b) USE OF FUNDS. Section 2256(b)(2) of the ESEA is
4 amended by inserting "who are in, or have just completed, a pre-
5 kindergarten program, kindergarten, or grades 1, 2, or 3 and"
6 after "to children".

7

8 NATIONAL EVALUATION

9 SEC. 175. Section 2257 of the ESEA is amended by striking
10 out "From funds reserved under section 2260(b)(1), the" and
11 inserting in lieu thereof "The".

12

13 INFORMATION DISSEMINATION

14 SEC. 176. Section 2258 of the ESEA is amended—

15 (1) in subsection (a)—

16 (A) by striking out "section 2260(b)(2)" and
17 inserting in lieu thereof "section 1002(e)"; and

18 (B) by adding the following sentence at the end
19 thereof: "The Institute may use not more than five percent of
20 the amount reserved under section 1002(e) for the costs of
21 administering this section."; and

22 (2) by adding at the end thereof a new subsection (c)
23 to read as follows:

24 "(c) SECRETARY'S AUTHORITY. From amounts appropriated for
25 any fiscal year under section 1002(e), the Secretary may reserve

1 not more than one percent to provide, directly or through grants
2 or contracts, technical assistance, program improvement, and
3 replication activities.".

4

5 AUTHORIZATION OF APPROPRIATIONS

6 SEC. 177. Section 2260 of the ESEA is r epealed.

7

8 TRANSFER AND REDESIGNATIONS

9 SEC. 178. (a) REDESIGNATION OF TITLE I PARTS E AND F.

10 Title I of the ESEA is further amended—

11 (1) by redesignating parts E and F as parts F and G,
12 respectively;

13 (2) by redesignating sections 1601 and 1602, as
14 redesignated by section 161(2) of this Act, as sections 1701 and
15 1702, respectively; and

16 (3) by redesignating sections 1501, 1502, and 1503 as
17 sections 1601, 1602, and 1603, respectively.

18 (b) TRANSFER OF READING EXCELLENCE ACT TO TITLE I.—(1)

19 Part C of title II of the ESEA, as amended by this part, is
20 redesignated as, and transferred to, part E of title I of the
21 ESEA.

22 (2) Sections 2251 through 2259 of the ESEA are
23 redesignated as sections 1501 through 1509, respectively.

24 (3) Section 1503 of the ESEA, as redesignated by
25 paragraph (2), is amended—

1 (A) in subsection (a)(1), by striking out
2 "sections 2254 through 2256" and inserting in lieu thereof
3 "sections 1504 through 1506";

4 (B) in subsection (b)(2)–

5 (i) by striking out "sections 2255 and
6 2256" each place it appears and inserting in lieu thereof
7 "sections 1505 and 1506"; and

8 (ii) in subparagraph (E)(iii), by striking
9 out "sections 2255(a)(1) and 2256(a)(1)" and inserting in lieu
10 thereof "sections 1505(a)(1) and 1506(a)(1)"; and

11 (C) in subsection (d)(1)(D), by striking out
12 "section 2255" and inserting in lieu thereof "section 1505".

13 (4) Section 1505 of the ESEA, as redesignated by
14 paragraph (2), is amended–

15 (A) in subsection (a)(1), by striking out
16 "section 2253" and inserting in lieu thereof "section 1503"; and

17 (B) in subsection (e), by striking out "title I
18 of this Act" and inserting in lieu thereof "other parts of this
19 title".

20 (5) Subsection (a) of section 1506 of the ESEA, as
21 redesignated by paragraph (2), is amended–

22 (A) in paragraph (1), by striking out "section
23 2253" and inserting in lieu thereof "section 1503"; and

24 (B) in paragraph (5), as redesignated by section
25 174(2)–

1 (i) by striking out "2254(2)" and inserting
2 in lieu thereof "section 1504(2)"; and

3 (ii) by striking out "section 2255" and
4 inserting in lieu thereof "section 1505".

5 (6) Section 1507 of the ESEA, as redesignated by
6 paragraph (2), is amended by striking out "section 2253(c)(2)"
7 and inserting in lieu thereof "section 1503(c)(2)".

8 (7) Section 1508 of the ESEA, as redesignated by
9 paragraph (2), is amended—

10 (A) in subsection (a), by striking out "section
11 2255 or 2256" and inserting in lieu thereof "section 1505 or
12 1506"; and

13 (B) in subsection (b)(3), by striking out
14 "section 2253" each place it appears and inserting in lieu
15 thereof "section 1503".

16 (8) Section 1509 of the ESEA, as redesignated by
17 paragraph (2), is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (1), by striking out
20 "section 2253" and inserting in lieu thereof "section 1503"; and

21 (ii) in paragraph (3), by striking out
22 "section 2257" and inserting in lieu thereof "section 1507"; and

23 (B) in subsection (b)—

24 (i) by striking out "section 2253" and
25 inserting in lieu thereof "section 1503";

1 (ii) in paragraph (1), by striking out
2 "section 2255" and inserting in lieu thereof "section 1505"; and
3 (iii) in paragraph (2), by striking out
4 "section 2253(b)(2)(E)(iv)" and inserting in lieu thereof
5 "section 1503(b)(2)(E)(iv)".